AUTHOR INDEX
AND
SUBJECT MATTER INDEX

OF THE

AMERICAN JOURNAL OF TRIAL ADVOCACY

Volumes One through Twenty

AUTHOR INDEX

TYPES OF ARTICLES
(A) Article (CA) Closing Argument
(B) Brief (ET) Emerging Trend
(C) Commentary (T) Trial Technique

Roger M. Adelman	The John Hinckley Trial: Argument on Behalf of the Government (CA)	6:47
	The John Hinckley Trial: Rebuttal Argument on Behalf of the Government (CA)	6:130
R. Alan Alexander	Survey of State "Good-Time" Laws (A)	8:57
Jeffrey Allen	Computers and the Litigator (A)	7:493
Kenneth N. Anchor	Expert Witness Testimony in the John Hinckley Trial (C)	6:153
	Alternatives to Medical Testimony in Determining Vocational and Industrial Disability (A)	6:443
	Fundamentals of Disability Determination and Rehabilitation: A Higher Ground for the Applied Neurobehavioral Sciences (A)	8:337
Roger W. Andersen	Will Executions: A Modern Guide (T)	18:57
Carol B. Anderson	The Gentle Art of Conversational English in Direct Examination (T)	14:111
Eugene R. Anderson	Recoverability of Corporate Counsel Fees in Insurance Coverage Disputes (A)	20:1
Jay Angoff	How to Tame the Insurance Cycle and Make the Legal System More Efficient (A)	10:299
Anonymous	Impressions of a Not-So-Average Juror (C)	7:141
James G. Apple	Is the Jury Listening? (C)	13:851
Lloyd T. Baccus	The Polygraph, Hypnosis, Truth Drugs and the Psychological Stress Evaluator: Admissibility in a Criminal Trial (A)	4:593
Frank M. Bainbridge	*Bayliss v. Bayliss*: Redefining Dependent Children (B)	13:657
Scott Baldwin	*James L. Jackson v. Johns-Manville Sales Corp. et al.*: Philosophy of Proof and Argument of Punitive Damages (CA)	7:123
Jonathan Barnard	Proof of Hospital-Performed Blood Alcohol Tests in Evidence (A)	9:43
Richard L. Barnes	An Advocate's View of the Surrogate Mother Problem: Suggested Litigation Strategies (A)	12:393
Arthur Baron	United States Immunity at Flood Control Projects from Claims for Injuries (A)	11:417
Jeffrey T. Barth	Alternatives to Medical Testimony in Determining Vocational and Industrial Disability (A)	6:443
	Fundamentals of Disability Determination and Rehabilitation: A Higher Ground for the Applied Neurobehavioral Sciences (A)	8:337
Stuart L. Bass	Representing Multiple Clients Simultaneously: A Question of Professional Responsibility (A)	12:297

David L. Bazelon	Crime: Towards a Constructive Debate (C)	5:105
James E. Beckley	The Exception for Great Hearsay: Some Concerned Comments (C)	1:123
Robert Begam	Fund Raising in the Courtroom: Persuasive Presentation of General Damages (A)	6:433
Thomas D. Beisecker	Discovering Trial Consultant Work Product: A New Way to Borrow An Adversary's Wits? (A)	17:581
Fred Warren Bennett	Preserving Issues for Appeal: How to Make a Record at Trial (T)	18:87
	Litigating the Admissibility of Co-conspirators' Statements: A Defense Attorney's Perspective (A)	18:325
M. Collins Berger	A Trial Lawyer's Guide to the Legal Implications of Recreational, Preventive and Rehabilitative Exercise Program Standards of Care (A)	11:433
Marilyn J. Berger	Rethinking Advocacy Training (C)	16:821
Paul Bergman	Class Action Lawyers: Fools for Clients? (A)	4:243
Laura E. Beverage	Litigation Under the Federal Mine Safety and Health Act Today: A Practical Guide (A)	16:305
Thomas W. Biggar	Effective Cross-Examination of Multiple Defense Medical Experts (A)	1:1
Daniel D. Blinka	Delusion or Depair: The Concept of Limited Admissibility in the Law of Evidence (A)	13:781
	"Practical Inconvenience" or Conceptual Confusion: The Common-Law Genesis of Federal Rule of Evidence 703 (A)	20:467
Jay S. Blumenkopf	Deposition Strategy and Tactics (A)	5:231
R. Michael Booker	A Guide to the Effective Use of Vocational Experts in Social Security Disability Hearings (T)	9:237
Karon O. Bowdre	Conflicts of Interest Between Insurer and Insured: Ethical Traps for the Unsuspecting Defense Counsel (A)	17:101
Penni P. Bradshaw	"When Johnny Comes Marching Home Again": The Veterans' Reemployment Rights Act and Employer Obligations to Military Reservists (A)	15:79
Robert M. Bratton	Summary Judgment Practice in the 1990s: A New Day Has Begun—Hopefully (A)	14:441
Rhonda A. Brofman	The Polygraph, Hypnosis, Truth Drugs and the Psychological Stress Evaluator: Admissibility in a Criminal Trial (A)	4:593
Lisa M. Bromberg	*Lujan v. Defenders of Wildlife*: Where Does the Standing Issue Stand in Environmental Litigation? (ET)	16:761
James J. Brosnahan	Basic Principles of Advocacy: One Trial Lawyer's View (A)	3:249
	Suggestions for Enriching the Teaching of Trial Advocacy (C)	16:193

James T. Brown	Avoiding Litigation Neurosis: A Practitioner's Guide to Defending Post Traumatic Stress Disorder Claims (T)	20:29
Thomas L. Browne	Practical Tips in Handling a Legal Malpractice Case: Complaint Through Trial (A)	9:381
Warren E. Burger	Annual Report on the State of the Judiciary (C)	1:215
	Annual Report on the State of the Judiciary (C)	3:63
	Can Juries Cope with Multi-Month Trials? (C)	3:449
	State-Federal Jurisdiction: A De Facto Merger? (C)	4:333
	Crime and Punishment: Annual Report to the American Bar Association (C)	5:95
	The Need for "Time and Freshness of Mind" (C)	6:311
Jack W. Burtch, Jr.	Risks in Interviewing the Sexual Harassment Client (T)	19:563
Harry Caldwell	Name Calling at Trial: Placing Parameters on the Prosecutor (A)	8:385
Steven P. Caley	Does a Good Result Beat a Cheap Legal Fee? (C)	19:1
	Shedding the Defense Mindset: Representing Corporate Plaintiffs in Complex Litigation (T)	20:69
Robert R. Calo	Joint Trials, Spillover Prejudice, and the Ineffectiveness of a Bare Limiting Instruction (A)	9:21
Andrew P. Campbell	Class Actions: A Primer (T)	20:305
Ronald L. Carlson	The Three Types of Closing Arguments (T)	18:115
James T. Carney	Rule 65 and Judicial Abuse of Power: A Modest Proposal for Reform (A)	19:87
Charles F. Carr	Let the Liar Beware! Lying on Employment Application May Bar Recovery of Workers' Compensation Benefits (A)	16:737
William B. Carr	An Up-Date on Rule 37 Sanctions After *National Hockey League v. Metropolitan Hockey Clubs, Inc.* (A)	3:413
John L. Carroll	Speaking the Truth: Voir Dire in the Capital Case (A)	3:199
Timothy W. Cerniglia	Computer-Generated Exhibits—Demonstrative, Substantive, or Pedagogical—Their Place in Evidence (A)	18:1
Walter T. Champion, Jr.	"At the Ol' Ball Game" and Beyond: Spectators and the Potential for Liability (A)	14:495
Rafael Chodos	Protecting the Righteous Employer Against Abusive Sexual Harassment Claims: Two Modest Proposals (C)	18:565
Mark E. Chopko	Ascending Liability of Religious Entities for the Actions of Others (A)	17:289
Andrew T. Citrin	Rules and Case Law Governing Videotape Depositions (A)	12:87

Hillary Rodham Clinton	Beat the Odds (C)	16:569
Benjamin G. Cohen	Wading Through the Procedural Marshes of Original Jurisdiction Guided by the Tidelands Cases: A Trial Before the United States Supreme Court (A)	11:65
Charles D. Cole	The Voting Rights Act and the Election of Judges: Analysis and Comment (A)	14:1
Philip H. Corboy	The Right to Trial by Jury (C)	4:65
	Cross-Examination: Walking the Line Between Proper Prejudice and Unethical Conduct (C)	10:1
	Federal Preemption of Product Liability Law: Federalism and the Theory of Implied Preemption (A)	15:435
C. Timothy Corcoran III	An Up-Date on Rule 37 Sanctions After *National Hockey League v. Metropolitan Hockey Clubs, Inc.* (A)	3:413
Robert V. Cornish, Jr.	The Role of Experts in Securities Arbitrations (A)	16:721
Charles B. Craver	Negotiation as a Distinct Area of Specialization (C)	9:377
Richard J. Crawford	Exploring and Expanding Voir Dire Boundaries: A Note to Judges and Trial Lawyers (T)	20:645
John B. Crosby	Tort Reform and the Constitution (A)	10:287
John M. Czarnetzky	Documentary Evidence in Civil Cases (T)	20:607
Joseph L. Daly	What Can the Defense Attorney Say at a "Preformal Charge" Press Conference? *Gentile v. State Bar of Nevada* Puts a Porous Gag on Trial Lawyers (A)	15:269
Brent B. Danninger	Valuing Defined Benefit Pension Plans (A)	7:47
G. William Davenport	A Federal Habeas Corpus Primer (A)	4:51
James H. Davis	"Fixing" the Standard of Care: Motivated Athletes and Medical Malpractice (A)	12:215
Stanley D. Davis	Discovering Trial Consultant Work Product: A New Way to Borrow An Adversary's Wits? (A)	17:581
Edward G. DeBonis	Pretrial Considerations and Trial Tactics in *Marvin*-Type Litigation (A)	4:1
J. Allison DeFoor II	Prosecutorial Misconduct in Closing Argument: Remedial Measures (A)	8:397
Chris F. Denove	Jury Selection: An Empirical Investigation of Demographic Bias (C)	19:285
Foy R. Devine	Discovery in Product Liability Cases (A)	6:241
Edward J. Devitt	Improving Federal Trial Advocacy (C)	1:109
	Improving Federal Trial Advocacy - II (C)	2:83
	Report and Tentative Recommendations of the Committee to Consider Standards for Admission to Practice in the Federal Courts to the Judicial Conference of the United States (C)	2:323

Merle F. Dimbath	Fixed Versus Variable Discount Rates in Reduction to Present Value (A)	8:377
David Donaldson	Extra-Territorial Jurisdiction in Domestic Relations Cases (A)	7:469
Francis W. Donahue	Trying Equitable Distribution Can Be Trying (A)	5:225
Ronald J. Ebert	Should Judges Grease the Slow Wheels of Justice? A Survey on the Effectiveness of Judicial Mediary Techniques (A)	8:83
Alan D. Eisenberg	Changes in the Law Affecting Battered Women: Past, Present, and Future (A)	3:45
Matthew S. Ellenberger	Confidentiality Orders in Products Liability Cases (A)	13:597
Irwin M. Ellerin	Selecting and Presenting a Failure to Diagnose Breast Cancer Case (T)	20:253
Edna Selan Epstein	An Up-Date on Rule 37 Sanctions After *National Hockey League v. Metropolitan Hockey Clubs, Inc.* (A)	3:413
Barbara Ryniker Evans	Splitting the Baby on After-Acquired Evidence in Employment Discrimination Cases (A)	19:241
Herald Price Fahringer	"Mirror, Mirror on the Wall...": Body Language, Intuition, and the Art of Jury Selection" (C)	17:197
H. Scott Fairley	*RJR-MacDonald Inc. v. Attorney-General of Canada*: The Quebec Court of Appeal Upholds the Tobacco Products Control Act (ET)	16:785
	Tobacco Advertising, Public Welfare, and Commercial Free Speech: Some Comparative Insights From the Canadian Experience (ET)	16:497
Michael J. Farrell	Medication Malpractice: Claims, Culprits and Defenses (A)	16:65
Richard E. Fay	"When Johnny Comes Marching Home Again": The Veterans' Reemployment Rights Act and Employer Obligations to Military Reservists (A)	15:79
Erwin Fleet	Sentencing the Criminal—A Judicial Responsibility (C)	9:369
James P. Fleissner	Mastering Trial Objections: The Spin Control Method (T)	20:591
C. Edward Fletcher	Rise Phoenix—A Guide to the Defunct Federal Securities Code (A)	11:103
John M. Floyd	Americans with Disabilities Act: Impact Upon Workers' Compensation—Friend or Foe? A Primer for the Corporate Insurance Department and Outside Counsel (A)	17:637
Michael Flynn	Guide for Deponent Preparation: Rules of the Game (T)	14:97
Patrick J. Flynn	Preparing the Case Before We Initiate Litigation: What We Need Is a Plan (T)	18:509

Frank D. Fowler	Railroad Litigation and the Human Factors Expert: Why the Plaintiff Missed the Trian (A)	4:621
Brian R. Fraser	Tobacco Advertising, Public Welfare, and Commercial Free Speech: Some Comparative Insights From the Canadian Experience (ET)	16:497
	RJR-MacDonald Inc. v. Attorney-General of Canada: The Quebec Court of Appeal Upholds the Tobacco Products Control Act (ET)	16:785
Mia I. Frieder	Selecting and Presenting a Failure to Diagnose Breast Cancer Case (T)	20:253
Peter A. Friedmann	Expert Testimony to Establish the Standard of Care in Medical Malpractice (A)	2:213
Vincent J. Fuller	The John Hinckley Trial: Argument on Behalf of the Defense (CA)	6:94
Kenneth Winchester Gaines	Rape Trauma Syndrome: Toward Proper Use in the Criminal Trial Context (A)	20:227
Neil G. Galatz	Effective Cross-Examination of Multiple Defense Medical Experts (A)	1:1
Patricia D. Galloway	Proof Development for Construction Litigation (A)	7:433
Alex A. Gaynes	Two Juries/One Trial—Panacea of Judicial Economy or Personification of Murphy's Laws (C)	5:285
James A. George	Hearsay: Recognizing it and Handling the Objection (A)	10:489
Charles W. German	Videotape Evidence at Trial (A)	6:209
Bennett L. Gershman	Proving the Defendant's Bad Character (A)	11:477
James L. Gilbert	Discovery in Products Liability Cases: The Plaintiff's Plea for Judicial Understanding (A)	12:413
	Confidentiality Orders in Products Liability Cases (A)	13:597
Joshua Gold	Recoverability of Corporate Counsel Fees in Insurance Coverage Disputes (A)	20:1
Jane Goodman	Jurors' Comprehension and Assessment of Probabilistic Evidence (A)	16:391
Douglas A. Green	Jury Research: Reading the Road Map of Jury Thinking (C)	16:795
Frank E. Haddad, Jr.	Cross-Examination of the Medical Expert (A)	3:239
	A New Standard for Acquittal: *Jackson v. Virginia* (A)	4:17
	How to Brief and Argue a Federal Criminal Appeal: The Best Approach (A)	12:191
Robert L. Haig	Representing the Judgment Creditor (A)	16:1
	Partnering at Trial Between In-House and Outside Counsel (T)	18:281
	Does a Good Result Beat a Cheap Legal Fee? (C)	19:1

	Shedding the Defense Mindset: Representing Corporate Plaintiffs in Complex Litigation (T)	20:69
Barry W. Hair	Adoption of Comparative Negligence in Alabama: A Needed Judicial Reform (C)	14:527
Joan Hall	Negotiation: Dispute Resolution as an Effective Alternative to Trial (C)	6:481
Stanley Hammer	Recovery of Computer-Assisted Research Charges in Federal Court: Putting Some Byte in Federal Fee and Cost Shifting Statutes (A)	9:265
Francis H. Hare, Jr.	Prejudgment Interest in Personal Injury Litigation: A Policy of Fairness (A)	5:81
	Discovery in Products Liability Cases: The Plaintiff's Plea for Judicial Understanding (A)	12:413
	Confidentiality Orders in Products Liability Cases (A)	13:597
	The Admissibility of Other Similar Incident Evidence: A Three-Step Approach (A)	15:541
Francis H. Hare, Sr.	An Essay on Jury Argument (A)	1:27
Jeffrey H. Hartje	Pre-Trial Motions (A)	5:15
	Cross Examination—A Primer for Trial Advocates (A)	8:11
Joseph M. Hassett	The Unclean Hands Defense to SEC Enforcement Actions (A)	3:1
Roger S. Haydock	Production of Results Under Rule 34 (A)	5:253
	Motions to Enforce Settlements: An Important Procedural Tool (A)	8:1
Margaret Campbell Haynes	Child Support and the Courts in the Year 2000 (C)	17:693
Richard J. Heafey	Trial by Lottery: The Misuse of Epidemiology and Statistics to Prove Causation in Drug and Chemical Litigation (A)	12:19
Thomas A. Heffernan	Effective Use of Demonstrative Evidence: "Seeing is Believing" (A)	5:427
Michael J. Henke	The Taking and Use of Videotaped Depositions (A)	16:151
G. Steven Henry	The Scope of Voir Dire in Civil Cases: An Alabama Perspective (A)	9:279
David L. Herbert	A Trial Lawyer's Guide to the Legal Implications of Recreational, Preventive and Rehabilitative Exercise Program Standards of Care (A)	11:433
William G. Herbert	A Trial Lawyer's Guide to the Legal Implications of Recreational, Preventive and Rehabilitative Exercise Program Standards of Care (A)	11:433
David F. Herr	Production of Results Under Rule 34 (A)	5:253
	Motions to Enforce Settlements: An Important Procedural Tool (A)	8:1

Samuel M. Hill	Small Claimant Class Actions: Deterrence and Due Process Examined (A)	19:147
Gary R. Hillerich	Selecting and Presenting a Failure to Diagnose Breast Cancer Case (T)	20:253
R. Ben Hogan III	The Crashworthiness Doctrine (A)	18:37
Earnest F. Hollings	Product Liability Law: Let's Keep the Federal Government Out of it (C)	7:347
Judith D'Alessandro Holt	Fair Debt Collection Practices Act: Confusion in Compliance and a Continuing Increase in Litigation (A)	20:15
Dennis J. Horan	Cross-Examination and Final Argument Concerning Plaintiff's Economic Expert in Wrgongful Death Actions (A)	2:235
	Practical Tips in Handling a Legal Malpractice Case: Complaint Through Trial (A)	9:381
Larry Howell	Environmental Crimes: The Boom in "Busting" Corporations and Their Responsible Officers (A)	16:417
Henry S. Hsiao	Pretesting All Phases of a Jury Trial With the Aid of a Microcomputer (A)	8:53
G. David Hughes	Pretesting All Phases of a Jury Trial With the Aid of a Microcomputer (A)	8:53
Edward J. Imwinkelried	Demeanor Impeachment: Law and Tactics (A)	9:183
	The Renaissance in American Trial Advocacy Literature: The Next Step (C)	16:175
	The Three Types of Closing Arguments (T)	18:115
	Jury Selection: An Empirical Investigation of Demographic Bias (C)	19:285
Darryl W. Jackson	Defendants in Criminal Cases as Witnesses at Trial (A)	14:59
John Frazier Jackson	The Brandeis Brief—Too Little, Too Late: The Trial Court as a Superior Forum for Presenting Legislative Facts (A)	17:1
Louis A. Jacobs	Evidence Rule 403 After *United States v. Old Chief* (A)	20:563
Leonard S. Janofsky	An Action Plan to Reduce Court Cost and Delay (C)	3:283
Joseph J. Jasper	Coram Nobis and the Right to Counsel (A)	2:273
David Cromwell Johnson	A Federal Habeas Corpus Primer (A)	4:51
Robert W. Johnson	Valuing Defined Benefit Pension Plans (A)	7:47
Richard L. Jones	Preventing Brushfires: Avoiding Procedural Traps in the Course of Litigation (A)	11:203
	A Proposed Rewrite of the Alabama Workers' Compensation Act (C)	15:1
Susan B. Jordan	Representation of Women Who Defend Themselves in Response to Physical or Sexual Assault (A)	2:19

Mark J. Kadish	The Polygraph, Hypnosis, Truth Drugs and the Psychological Stress Evaluator: Admissibility in a Criminal Trial (A)	4:593
Patricia O. Kahn	Representing the Judgment Creditor (A)	16:1
Joseph J. Kalbac, Jr.	Prosecutorial Misconduct in Closing Argument: Remedial Measures (A)	8:397
Alan R. Kamp	Federal Adjudication of Facts: The New Regime	12:437
Joseph S. Kaplan	Litigation in the Court of International Trade (C)	17:719
Don C. Keenan	*Pro Hac Vice*: Revitalizing a Wounded Specialty (A)	4:23
Lawrence T. King	Preventing Brushfires: Avoiding Procedural Traps in the Course of Litigation (A)	11:203
	The Inventory Exception to the Fourth Amendment Warrant Requirement: Why the Last in Should Be the First Out—Or, Putting *Opperman* and *Bertine* in Their Place (A)	12:273
	Re-Testing the Exclusivity Provision of the Alabama Workers' Compensation Act: Where We Are Now (A)	18:295
E. Hugh Kinney	Technical and Cost Considerations of Litigation Support Systems (A)	4:309
Warren Kohn	Child Protection and Family Preservation—A Delicate Balance (A)	17:669
John C. Koski	From Hide-and-Seek to Show-and-Tell: Evidentiary Disclosure Rules (C)	17:497
Frederick M. Krieger	An Up-Date on Rule 37 Sanctions After *National Hockey League v. Metropolitan Hockey Clubs, Inc.* (A)	3:413
David R. Kuney	Deposition Preparation: A Methodological Approach (A)	8:241
Jonathan Kord Lagemann	The Role of Experts in Securities Arbitrations (A)	16:721
George A. LaMarca	Overintrusive Surveillance of Plaintiffs in Personal Injury Cases (A)	9:1
David A. Larson	Resolving the Paradox of the Innocent Construction Rule (A)	7:481
J.D. Lee	Some Comments on Negotiation and Settlement (A)	4:277
Randy Lee	Reflecting a King's Wisdom: Bridge-Building and Legal Analysis (C)	13:1141
Robert Wyeth Lee, Jr.	Breach of Warranty and Strict Liability—A Unified Approach to the Preparation and Trial of a Product Liability Case (A)	3:29
Paul J. Lesti	Valuing Defined Benefit Pension Plans (A)	7:47
Fredric G. Levin	The Case Study—*Thorshov v. Louisville & Nashville R.R.* (A)	4:579

David I. Levine	Exceptions to the Clearly Erroneous Test After the Recent Amending of Rule 52(a) for the Review of Fact Based Upon Documentary Evidence (A)	10:409
D. Craig Lewis	Corroborated Hearsay and the Confrontation Clause (A)	15:293
Susan Loggans	Psychiatrists and Hospitals: Liability for Patients' Self-Inflicted Injuries (A)	5:1
Robert D. Loomis	Motion to Strike Affirmative Defenses—The Equivalent to Partial Summary Judgment? (C)	13:645
Angela M. Lowell	*Cipollone v. Liggett Group, Inc.*: The Effect of the Federal Cigarette Labeling and Advertising Act (ET)	16:477
John J. Lowrey	A Medical Malpractice Trial: Successful Techniques Presented and Analyzed (A)	10:1
Steven Lubet	Trial Preparation: A Systematic Approach (A)	1:229
	The Trial as a Persuasive Story (T)	14:77
	Understanding Impeachment (A)	15:483
	Objecting (T)	16:213
	Expert Testimony (T)	17:399
James R. Lucas	Props: An Overview of Demonstrative Evidence (A)	13:1097
Thomas J. Lyons	The Military Claims Act: Remedy or Run Around? (A)	14:305
T.V. Mangelsdorf	Structured Settlements in Review: The Fundamental Concept (A)	4:559
John P. Marshall	Partnering at Trial Between In-House and Outside Counsel (T)	18:281
Daniel A. Martell	Fundamentals of Disability Determination and Rehabilitation: A Higher Ground for the Applied Neurobehavioral Sciences (A)	8:337
Edward C. Martin	Limiting Damages for Pain and Suffering: Arguments Pro and Con (A)	10:317
	Alabama's Extended Manufacturer's Liability Doctrine (A)	13:983
Edwin D. Mason	Lost Earnings and Income Tax: Cross-Examination of Plaintiff's Economist (A)	4:289
Rodney A. Max	A New Tort in Alabama: Wrongful Employment Termination in Violation of Public Policy (A)	12:39
Robert W. Maxwell	Jury Research: Reading the Road Map of Jury Thinking (C)	16:795
Bonnie L. Mayfield	*Batson* and Groups Other Than Blacks: A Strict Scrutiny Analysis (A)	11:377
	Preventing Manufacturer Compelled Disclosure of Confidential Information Contained in Voluntarily Submitted Adverse Event Reports (A)	19:265

Craig Mayton	Misdemeanor Prosecution Practicum: A Clinical Experience (A)	8:219
James G. McConnell	Lost Earnings and Income Tax: Cross-Examination of Plaintiff's Economist (A)	4:289
James W. McDonald, Jr.	*United States v. Piccinonna*: Admitting Polygraph Tests (B)	13:863
Ruth McGaffey	The Expert Witness and Source Credibility—The Communicatio Perspective (A)	2:57
Victoria Knight McHenry	Creative Applications of Civil RICO (A)	11:245
Robert E. McKnight, Jr.	Splitting the Baby on After-Acquired Evidence in Employment Discrimination Cases (A)	19:241
Kenneth J. Mendelsohn	Liquor Liability in Alabama (A)	13:825
Penelope Mercurio	Pretrial Considerations and Trial Tactics in *Marvin*-Type Litigation (A)	4:1
Jerome L. Merin	Videotape Evidence at Trial (A)	6:209
Gene Mesh	A Basic Approach to Accountants' Liability (A)	4:299
Fred Misko, Jr.	Packaging a Case for Settlement or Trial (T)	17:461
John B. Mitchell	Rethinking Advocacy Training (C)	16:821
Marvin M. Mitchelson	Pretrial Considerations and Trial Tactics in *Marvin*-Type Litigation (A)	4:1
Arthur Momjian	The Cross-Examination of the Forensic Pathologist in Criminal Defense Cases (A)	1:243
Jere W. Morehead	Exploring the Frontiers of *Batson v. Kentucky*: Should the Safeguards of Equal Protection Extend to Gender? (A)	14:289
William O. Morris	Triennium of Dental Litigation (A)	5:435
Linda S. Mullenix	Summary Judgment: Taming the Beast of Burdens (A)	10:433
Hedieh Nasheri	An Active Jury: Should Courts Encourage Jurors to Participate in the Questioning Process? (A)	16:109
	Equal Protection Under the Law: Improving Access to Civil Justice (C)	20:331
Louis M. Natali, Jr.	Cross-Examination (A)	7:19
Martha L. Neese	The Military Claims Act: Remedy or Run Around? (A)	14:305
Peter J. Neeson	Voir Dire: A Trial Technique in Transition (A)	4:523
Leonard J. Nelson III	Garbage In, Garbage Out: The Need for New Approaches to Computer Evidence (A)	9:411
	Medical Malpractice and Alternative Dispute Resolution (A)	10:345
Paul C. Nelson	Comments on Defense Planning and Preparation in Product Liability Actions (A)	2:1
Alexander J. Nemeth	Litigating Head Trauma: The "Hidden" Evidence of Disability (A)	12:239

Kris R. Nielsen	Proof Development for Construction Litigation (A)	7:433
H.E. Nix, Jr.	Immunities Available in Alabama for Cities, Counties and Other Governmental Entities, and Their Officials (A)	13:615
Vincent A. Noletto, Jr.	Construction Management: Evolving Roles and Exposure of Construction Managers and Architects/Engineers (A)	12:55
N.Y. State Bar Association Corporate Counsel Section	Report on Planning and Budgeting of Legal Services for Corporations By Outside Counsel (C)	18:429
	Report on Cost-Effective Management of Corporate Litigation (C)	19:11
John Gregory Odom	Creative Applications of Civil RICO (A)	11:245
Abraham P. Ordover	The Lawyer as Liar (C)	2:305
Timothy D. Osburne	Uncle Sam and the Tort-Feasors: A Look at the Tax Consequences of Tort Settlement (A)	8:257
Philip H. Partridge	Construction Management: Evolving Roles and Exposure of Construction Managers and Architects/Engineers (A)	12:55
Daniel W. Patterson	Exploring and Expanding Voir Dire Boundaries: A Note to Judges and Trial Lawyers (T)	20:645
Claude Peacock	Alternatives to Medical Testimony in Determining Vocational and Industrial Disability (A)	6:443
	Fundamentals of Disability Determination and Rehabilitation: A Higher Ground for the Applied Neurobehavioral Sciences (A)	8:337
Stephen E. Pegalis	Medical Malpractice: The Service Patient—A Case Study in The Cross-Examination of Multiple Medical Defendants (A)	1:251
Charles V. Peppler	Policy, Custom, or Practice: The Contours of Proof of Section 1983 Municipal Liability (A)	10:477
Peter Perlman	Use of Human Factors in a Product Liability Case (A)	2:47
Leonard Pertnoy	"Lights, Camera, Action": Presenting the Medical Expert in Trial (T)	17:443
Stephen H. Peskin	Innovative Pre-Trial Motions in Criminal Defense (A)	1:35
	The Polygraph, Hypnosis, Truth Drugs and the Psychological Stress Evaluator: Admissibility in a Criminal Trial (A)	4:593
Barbara J. Peters	Product Liability Lawsuits: Pitfalls in Preparation and Trial (T)	18:135
James C. Peterson	Selecting and Using Expert Witnesses in Bad Faith Cases (T)	19:561
Jerry J. Phillips	The Role of Litigation (A)	8:419
Richard J. Pierce, Jr.	Admissibility of Expert Testimony in Hearsay Form (A)	5:277

Philip G. Piggott	Punitive Damages Since *Pacific Mutual Life Insurance Co. v. Haslip* (A)	16:693
Craig Eldon Pinkus	Discovery of Litigation Support Systems: The Invasion and Protection of the Front Lines (A)	3:165
Rhonda K. Pitts	Let the Liar Beware! Lying on Employment Application May Bar Recovery of Workers' Compensation Benefits (A)	16:737
Mark D. Plevin	*Holmes v. Securities Investor Protection Corp.*: The Supreme Court Restricts Civil RICO (ET)	16:447
Alfred A. Porro, Jr.	Expert Witnesses: Crossroads of Law, Science, and Technology (A)	2:291
Monty Preiser	Defenses in Strict Tort Liability Actions (A)	5:485
Thomas J. Reed	Evidentiary Failures: A Structural Theory of Evidence Applied to Hearsay Issues (A)	18:353
William H. Rehnquist	1992 Year-End Report on the Federal Judiciary (C)	16:609
	1993 Year-End Report on the Federal Judiciary (C)	17:571
	1994 Year-End Report on the Federal Judiciary (C)	18:499
	1995 Year-End Report on the Federal Judiciary (C)	19:491
Paul D. Rheingold	Development of Litigation Groups (A)	6:1
Edward M. Ricci	The Preparation of Interrogatories and Production Requests in Automobile Product Liability Actions (A)	1:269
Tom Riley	The Opening Statement: Winning at the Outset (A)	3:225
	Toxic Shock Syndrome: Proving Causation Before Science Has (A)	6:15
Gary W. Roberts	Medical Malpractice in Abortion Cases (A)	3:259
Joseph P. Rogers	Alternatives to Medical Testimony in Determining Vocational and Industrial Disability (A)	6:443
	Fundamentals of Disability Determination and Rehabilitation: A Higher Ground for the Applied Neurobehavioral Sciences (A)	8:337
Robert M. Rolfe	Videotape Evidence at Trial (A)	6:209
Caroline S.A. von Malottke Rollins	Child Protection and Family Preservation—A Delicate Balance (A)	17:669
John F. Romano	Anatomy of a Recreational Tort Case (A)	5:457
	The Classic Case of Medical Mismanagement: Litigation of the Failure-to-Diagnose Malignant Disease Cases (A)	7:217
Ronald D. Rome	Estate Planning Aspects of Structured Settlements (C)	11:189
Morton G. Rosen	RICO Claims by Celebrities Against the Tabloid Media for Publication of Purloined Material (A)	15:47

Henry B. Rothblatt	The Cross-Examination of the Forensic Pathologist in Criminal Defense Cases (A)	1:243
	The Mental Probe Continued—Hypnosis and Witness Preparation (A)	4:615
David L. Rudolph	Equal Protection Under the Law: Improving Access to Civil Justice (C)	20:331
Richard J. Rudolph	An Active Jury: Should Courts Encourage Jurors to Participate in the Questioning Process? (A)	16:109
William A. Ruskin	The Use of "Principled Negotiation" in Resolving Environmental Disputes (C)	17:225
Daniel J. Ryan	Voir Dire: A Trial Technique in Transition (A)	4:523
Claire L. Rychlak	Real and Demonstrative Evidence Away from Trial (C)	17:509
Ronald J. Rychlak	Direct Criminal Contempt and the Trial Attorney: Constitutional Limitations on the Contempt Power (A)	14:243
	Real and Demonstrative Evidence Away from Trial (C)	17:509
	Documentary Evidence in Civil Cases (T)	20:607
Hillary J. Salans	Exceptions to the Clearly Erroneous Test After the Recent Amending of Rule 52(a) for the Review of Fact Based Upon Documentary Evidence (A)	10:409
Daniel Scarritt	The Case Study—*Thorshov v. Louisville & Nashville R.R.* (A)	4:579
Lawrence F. Schiller	Judicial Settlement Techniques (A)	5:39
	Judicial Involvement in Pre-Trial Settlement: A Judge is Not a Bump on a Log (A)	6:27
	Should Judges Grease the Slow Wheels of Justice? A Survey on the Effectiveness of Judicial Mediary Techniques (A)	8:83
Elizabeth M. Schneider	Representation of Women Who Defend Themselves in Response to Physical or Sexual Assault (A)	2:19
Mark K. Schoenfield	Trial Preparation: A Systematic Approach (A)	1:229
James P. Schratz	Cross-Examining a Legal Auditor (T)	20:91
Yvonne C. Schroeder	Pretesting Survey Questions: The Procedural and Ethical Ramifications (C)	11:195
Robert E. Schultz	The Case Study—*Thorshov v. Louisville & Nashville R.R.* (A)	4:579
Victor E. Schwartz	What is New in Tobacco Liability Litigation? (C)	17:687
Alfred J. Sciarrino	"Free Exercise" Footsteps in the Defamation Forest: Are "New Religions" Lost? (Part One) (A)	7:57

	"Free Exercise" Footsteps in the Defamation Forest: Are "New Religions" Lost? (Part Two) (A)	7:307
	"Free Exercise" Footsteps in the Defamation Forest: Are "New Religions" Lost? (Part Three) (A)	7:517
James H. Seckinger	Presenting Expert Testimony (C)	15:215
	Closing Argument (T)	19:51
John R. Secrest	Government Contractor Defense—Absolute Immunity for the Product Maker (A)	12:1
SEVERAL AUTHORS	*Pacific Mutual Life Insurance Co. v. Haslip* (B)	15:105
SEVERAL AUTHORS	*BMW of North America, Inc. v. Gore* (B)	20:103
Mitchell K. Shelly	The Admissibility of Other Similar Incident Evidence: A Three-Step Approach (A)	15:541
Milton J. Silverman	The Burden of Proof and Procedural Fairness in Capital Cases (C)	3:75
Daphne D. Sipes	Effects of Conversion and Trade Custom on Article 2 Titles (A)	11:277
Richard B. Siwica	The Defendant's Right of Controntation—Are the Exceptions Swallowing the General Rule? *Dasher v. Stripling* (A)	6:421
Charles W. Smith	The Opening Statement as a Tool of Persuasion (A)	2:261
Todd A. Smith	Federal Preemption of Product Liability Law: Federalism and the Theory of Implied Preemption (A)	15:435
Kathryn Holmes Snedaker	Storytelling in Opening Statements: Framing the Argumentation of the Trial (A)	10:15
Gary S. Solomon	Alternatives to Medical Testimony in Determining Vocational and Industrial Disability (A)	6:443
	Fundamentals of Disability Determination and Rehabilitation: A Higher Ground for the Applied Neurobehavioral Sciences (A)	8:337
William G. Somerville III	Avoiding Lawsuits for Employment Discrimination (T)	20:277
William B. Spann, Jr.	Courtroom Competence: Is Chief Justice Burger Wrong? (C)	2:75
George W. Spellmire	Cross-Examination and Final Argument Concerning Plaintiff's Economic Expert in Wrongful Death Actions (A)	2:235
	Practical Tips in Handling a Legal Malpractice Case: Complaint Through Trial (A)	9:381
Keith E. Spero	Handling the Domestic Relations Case—A Specialized Problem in Lawyering (A)	3:399
Jeffrey W. Stempel	Motions to Enforce Settlements: An Important Procedural Tool (A)	8:1
Robert F. Stephens	Kentucky Courts Go Video (C)	9:359

Duke Nordlinger Stern	An Attorney's Guide for Purchasing Professional Liability Insurance and Practicing Within the Coverages (A)	3:13
Charles D. Stewart	Punitive Damages Since *Pacific Mutual Life Insurance Co. v. Haslip* (A)	16:693
Donald H. Stone	Crime & Punishment in Public Schools: An Empirical Study of Disciplinary Proceedings (A)	17:351
Fredric Stone	Acting Within the Law (C)	8:115
Randolph N. Stone	The Role of State Funded Programs in Legal Representation of Indigent Defendants in Criminal Cases (C)	17:205
Ronald M. Sturtz	Pre-judgment Remedies: A Proposed Federal Remedy Statute and Related Proposed Amendment to Federal Rule of Civil Procedure 64 (A)	11:219
William R. Swindle	The Defendant's Right of Controntation—Are the Exceptions Swallowing the General Rule? *Dasher v. Stripling* (A)	6:421
Thomas Taggart	Anatomy of a Recreational Tort Case (A)	5:457
J. Alexander Tanford	Closing Argument Procedure (A)	10:47
	Keeping Cross-Examination Under Control (T)	18:245
Albert Tate, Jr.	Federal Appellate Advocacy in the 1980's (A)	5:63
Jon P. Thames	It's Not Bad Law—It's Bad Science: Problems with Expert Testimony in Trial Proceedings (A)	18:545
Scott R. Torpey	Government Contractor Defense—Absolute Immunity for the Product Maker (A)	12:1
Paul R. Tremblay	"Ratting" (A)	17:49
James C. Turk	The Nation's First Application of the Exhaustion Requirement of 42 U.S.C. § 1997(e): "The Virginia Experience" (A)	7:1
Robert M. Tyler, Jr.	Practices and Strategies for a Successful Appeal (A)	16:617
Richard H. Underwood	Adversary Ethics: More Dirty Tricks (A)	6:265
	Logic and the Common Law Trial (C)	18:151
	"X-spurt" Witnesses (C)	19:343
Dominick Michael Valencia, Jr.	New Federalism and the Right to Remedy: More Than a Rational Relation (A)	11:453
Charles E. Vercelli, Jr.	Immunities Available in Alabama for Cities, Counties and Other Governmental Entities, and Their Officials (A)	13:615
Arthur Ellis Vertlieb	Mandatory Structured Settlements and the Subtle Assault on the Tort System (C)	4:657
Lanny S. Vines	Preparation of the Plaintiff's Products Liability Case (A)	6:369
Harvey F. Wachsman	Medical Malpractice: The Service Patient—A Case Study in The Cross-Examination of Multiple Medical Defendants (A)	1:251

John W. Wade	Should Joint and Several Liability of Multiple Tortfeasors Be Abolished? (A)	10:193
Ward Wagner, Jr.	The Preparation of Interrogatories and Production Requests in Automobile Product Liability Actions (A)	1:269
James A. Wall, Jr.	Judicial Settlement Techniques (A)	5:39
	Judicial Involvement in Pre-Trial Settlement: A Judge is Not a Bump on a Log (A)	6:27
	Should Judges Grease the Slow Wheels of Justice? A Survey on the Effectiveness of Judicial Mediary Techniques (A)	8:83
Jon R. Waltz	The Exception for Great Hearsay: Some Concerned Comments (C)	1:123
Richard P. Warfield	Practical Aspects of the Excess Judgment Case (A)	6:405
David G. Warren	The Politics of Medical Malpractice Reforms: Governmental Responses to Affected Groups (A)	10:257
Alfred J. Weisbrod	Offensive Collateral Estoppel (A)	6:257
Gary M. Weiss	The Rising Tide of Legal Malpractice: Spitting Into the Wind? (A)	4:637
E. John Wherry, Jr.	Vampire or Dinosaur: A Time to Revisit *Schmerber v. California*? (A)	19:503
Michele Whitmore	Estate Planning Aspects of Structured Settlements (C)	11:189
Clay Williams	Discovery of Litigation Support Systems: The Invasion and Protection of the Front Lines (A)	3:165
Ann D. Wilson	A Proposed Rewrite of the Alabama Workers' Compensation Act (C)	15:1
David D. Wininger	Breach of Warranty and Strict Liability—A Unified Approach to the Preparation and Trial of a Product Liability Case (A)	3:29
Edward J. Winter, Jr.	The Purpose, Planning, and Use of Depositions in Contested Child Custody Litigation (A)	1:75
Jeffrey S. Wolfe	A Strategy for Effective Use of the Courtroom During Direct Examination (A)	8:205
	Toward a Unified Theory of Courtroom Design Criteria: The Effect of Courtroom Design on Adversarial Interaction (C)	18:593
Wayne S. Woody	Wrongful Death Claims of Maritime Workers (A)	17:151
R. George Wright	The Timing of Judicial Review of Administrative Decisions: The Use and Abuse of Overlapping Doctrines (A)	11:83
	Litigating the State Action Issue in Peremptory Challenge Cases (A)	13:573

John Hardin Young	The Use of Public Records and Reports as Trial Evidence Under the Federal Rules of Evidence (A)	3:385
Jack Zimmerman	Defending White Collar Crimes (A)	7:299

SUBJECT MATTER INDEX

A

ABORTION
Constitutional Law—Abortion Consent Forms 5:166
Constitutional Law—Funding of Abortions Under the Medicaid Program—Constitutionality of the Hyde Amendment 4:708
Medical Malpractice in Abortion Cases 3:259

ABUSE OF POWER
Rule 65 and Judicial Abuse of Power: A Modest Proposal for Reform 19:87

ACCOUNTANTS
A Basic Approach to Accountants' Liability 4:299
Accountants' Liability to Third Parties for Negligent Misrepresentation: Should There be a Uniform Standard? 14:133
Torts—Ohio Allows Malpractice Claims Against Accountants by Third Parties Without Privity 6:361

ADMINISTRATIVE LAW
Litigation Under the Federal Mine Safety and Health Act Today 16:305
The Timing of Judicial Review of Administrative Decisions: The Use and Abuse of Overlapping Doctrines 11:83

ADMIRALTY
Admiralty—Torts—Pre-Judgment Interest May Not Be Awarded in Personal Injury and Death Claims 7:631
Admiralty—Traditional "Navigable Waters" Test Held Applicable for the Maritime Employment Requirement 6:495
Admiralty—Vessels Without a Nationality Are Subject to United States Jurisdiction 8:335
Torts—Admiralty—Seamen's Injuries 6:364
Wrongful Death Claims of Maritime Workers 17:151

ADMISSIBILITY
A Review of the Admissibility of Novel Scientific Evidence 17:741
Admissibility of Expert Testimony in Hearsay Form 5:277
Computer-Generated Exhibits—Demonstrative, Substantive, or Pedagogical—Their Place in Evidence 18:1
Day in the Life Films: New Limitations on Admissibility 4:357
Delusion or Despair: The Concept of Limited Admissibility in the Law of Evidence 13:781
Documentary Evidence in Civil Cases 20:607
Evidence—Admissibility of Post-Accident Design Change in Products Liability Actions 5:369
Evidence—Admission of Testimony Obtained by Hypnosis 5:547
Evidence—Evidence of Polygraph Test and Testimony of Polygraph Held Inadmissible in Criminal Trial 5:554
Evidence—Hypnotically Refreshed Testimony Ruled Inadmissible 5:549
Evidence—Ohio Holds State Rules of Evidence Allow Admission of "Voice-Print" Analysis as Scientific Evidence 7:187
Ex parte Snell: The Expanding Controversy of the Admissibility of Prior Statements 19:435
Exclusion of Evidence—23 U.S.C. § 409: Evidentiary Bar for Railroad Crossing Evaluations 19:471
Litigating the Admissibility of Co-conspirators' Statements: A Defense Attorney's Perspective 18:325
Products Liability—Admissibility of State of the Art Evidence 3:594
State v. Brown: The Admissibility of Hypnotically Refreshed Testimony in a Criminal Trial 18:231
The Admissibility of Other Similar Incident Evidence: A Three-Step Approach 15:541
The Courts' Reaction to *Rock v. Arkansas*: The Admissibility of a Witness's Testimony After He Has Been Hypnotized 15:559
The Polygraph, Hypnosis, Truth Drugs and the Psychological Stress Evaluator: Admissibility in a Criminal Trial 4:593
United States v. Dotson: When Should Opinion Testimony as to the Truth and Veracity of a Witness Be Allowed? 12:497
United States v. Piccinonna: Admitting Polygraph Tests 13:863

ADOPTION
Family Law—Adoption 2:383
Family Law—Adoption Records 2:189
Family Law—Right of Adoptee to View Adoption Records 3:585
Family Law—Rights of Natural Father After Adoption of Children by Stepfather 4:216

AFFIRMATIVE ACTION
Affirmative Action in the Wake of *Weber* 4:97
Is Preferential Treatment Justified in Voluntary Affirmative Action Programs? 12:99

AFFIRMATIVE DEFENSE
Motion to Strike Affirmative Defenses—The Equivalent of Partial Summary Judgment? 13:645

Products Liability—Misuse of Product as an Affirmative Defense in Products Liability Actions 4:500

AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)
Coming of Age: Unique and Independent Treatment of the ADEA 7:583
Employment Discrimination—*O'Connor v. Consolidated Coin Caterers Corp.*: Broadening the Scope of Age Discrimination Claims Under the ADEA 20:211
Employment Law—Debating Individual Liability Under Title VII of the Civil Rights Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act 19:677
Tax—*Commissioner v. Schleier*: Taxability of ADEA Damage Awards 19:705

AIDS
AIDS: Issues in the Law 10:527
The Impact of the Americans with Disabilities Act on AIDS Discrimination in the Workplace 19:623

ALABAMA'S EXTENDED MANUFACTURER'S LIABILITY DOCTRINE (AEMLD)
Alabama's Extended Manufacturer's Liability Doctrine 13:983

ALCOHOL VENDOR LIABILITY
Lee v. Kiku Restaurant: Allocation of Fault Between an Alcohol Vendor and a Patron—What Could Happen After Providing "One More for the Road" 17:269

ALTERNATIVE DISPUTE RESOLUTION
Agent Orange Revisited: Alternatives to Litigation 6:323
Confidentiality in Mediation: The Best Protection Has Exceptions 19:411
Contracts—Arbitration Agreements: When Does the Federal Arbitration Act Preempt State Law? 19:691
Malpractice—Mediation Panels 2:391
Medical Malpractice—Arbitration and Mediation Panels 3:361
Medical Malpractice—Constitutionality of Statutory Mediation Panels 4:816
Negotiation: Dispute Resolution as an Effective Alternative to Trial 6:481
Should Judges Grease the Slow Wheels of Justice? A Survey on the Effectiveness of Judicial Mediary Techniques 8:83
The Role of Experts in Securities Arbitrations 16:721

AMERICANS WITH DISABILITIES ACT (ADA)
Americans with Disabilities Act: Impact Upon Workers' Compensation—Friend or Foe? A Primer for the Corporate Insurance Department and Outside Counsel 17:637
Employment Law—Debating Individual Liability Under Title VII of the Civil Rights Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act 19:677
Employment Law—Warning to the Disabled: Applying for Disability Benefits May Prevent You From Claiming to Be "Qualified" Under the ADA 20:669
The Impact of the Americans with Disabilities Act on AIDS Discrimination in the Workplace 19:623

ANIMALS
Clemmons v. Fidler: Is Man's Best Friend a Landlord's Worst Enemy? 19:197

ANTI-DUMPING LITIGATION
Litigation in the Court of International Trade 17:719

ANTITRUST
Antitrust—Contribution Among Joint Tortfeasors in Antitrust Litigation 3:316
Antitrust—Exemptions to the Antitrust Laws 2:169
Antitrust—Private Antitrust Suits and New Remedies 2:172
Antitrust—Private Antitrust Suits and Standing to Sue 3:313
Antitrust—Procedure and Enforcement 2:170
Antitrust—Proof of Intent in Illegal Per Se Offenses 3:315
Antitrust—Rule of Reason Versus Per Se Analysis 2:173
Antitrust—Rule of Reason Versus Per Se Analysis 3:317

APPEAL
Appellate Standard of Review: Friend or Foe? 13:887
Civil Procedure—60(b) Motion After Notice of Appeal is Filed 3:533
Civil Procedure—Appeals—Finality Doctrine 3:324
Civil Procedure—Relation Back in Removed Cases and Interlocutory Appeal 5:140
Criminal Procedure—U.S. District Court Order of Acquittal When a Jury Has Been Discharged Without Reaching a Verdict Is an Acquittal for Purpose of Double Jeopardy Clause and Is Not Appealable 1:181

Federal Appellate Advocacy in the 1980s 5:63
Federal Civil Procedure—Class Actions—28 U.S.C.§ 1292(a)(1) Held to Be an Inappropriate Jurisdictional Predicate Upon Which to Base an Interlocutory Appeal After a Denial of Class Action Certification 1:376
How to Brief and Argue a Federal Criminal Appeal: The Best Approach 12:191
Motions in Limine—Preserving Error on Appeal When a Party Loses a Motion *in Limine* 18:485
Practices and Strategies for a Successful Appeal 16:617
Preserving Issues for Appeal: How to Make a Record at Trial 18:87
Silver v. Castle Memorial Hospital: The Doctor is Out! Judicial Review of Medical Staff Appointments 20:197

ARBITRATION
Contracts—Arbitration Agreements: When Does the Federal Arbitration Act Preempt State Law? 19:691
Medical Malpractice—Arbitration and Mediation Panels 3:361
The Role of Experts in Securities Arbitrations 16:721

ASBESTOS LITIGATION
Asbestos Litigation: A Trend Toward the Discovery Rule 8:315

ASSAULT
Representation of Women Who Defend Themselves in Response to Physical or Sexual Assault 2:19
Torts—Criminal Assault by Third Parties—"Fairness" Test Used to Hold Premises Owner/Lessor Liable Following Repeated Assaults on the Premises 1:207
Workers' Compensation—Assault by a Co-Employee 3:609

ATTORNEY ADVERTISING
Attorneys—Advertising 4:119
Attorneys—Advertising—First Amendment Protects Truthful Newspaper Advertisement of Prices for Routine Legal Services 1:149
Attorneys—Advertising—Letters 2:347
Attorneys—Solicitation 2:175
Attorneys—State Court Holds that an Out of State Law Firm Can Advertise Within the State Only if the Named Counselors Are Members of that State's Bar 6:186
Can I Say That in This Advertisement? Twenty Years of Attorney Advertising 20:409
Seven Years of the Bates Doctrine: Progression or Confusion? 7:611

ATTORNEY-CLIENT PRIVILEGE
See PRIVILEGES

ATTORNEYS' FEES
Attorneys—Appointed Counsels' Fees—Compensation in Excess of Statutory Maximums Allowed for Protracted Litigation Under Extraordinary Circumstances 1:321
Attorneys—Attorney's Fee Award for Pro Se Representation Under the Truth in Lending Act 4:378
Attorneys—Attorney's Fees—Equal Employment Opportunity Claims 3:517
Attorneys—Existence of a Contingent Fee Agreement Does Not Bar Recovery of Attorney's Fees Under 42 U.S.C. § 1988 But Does Set the Ceiling for the Maximum Allowable Fee 6:497
Attorneys—Fees 4:122
Attorneys—Intervenors on the Side of the U.S. in a Voting Rights Act May Recover Attorney's Fees if They Are the "Prevailing Party" 6:498
Attorneys—Organizational Attorney's Right to Attorney's Fee Awards Under U.S.C. § 1988 4:375
Attorneys—Recovery of Attorney's Fees Under 42 U.S.C. § 1988 4:389
Attorneys—Trial Courts Power to Deny Attorney's Fee Awards Under 42 U.S.C. § 1988 4:371
Bona Fide Attorney Fees Are Not Forfeitable Under the Comprehensive Forfeiture Act of 1984: *United States v. Rogers* 9:487
Civil Procedure—Motion for Award of Attorney's Fees 3:536
Civil Rights—Recovery of Attorney Fees in Civil Rights Proceedings After Settlement 3:333
Does a Good Result Beat a Cheap Legal Fee? 19:1
Recoverability of Corporate Counsel Fees in Insurance Coverage Disputes 20:1
Recovery of Computer-Assisted Research Charges in Federal Court: Putting Some Byte in Federal Fee and Cost Shifting Statutes 9:265

AVIATION
Aviation Products Liability as the Cause of the Decline in Small Aircraft Manufacturing: An Examination of Possible Solutions 19:171
Dismissing the Warsaw Defense in International Aviation Litigation 1:283

B

BAD FAITH

Contractual Privity as an Element of Bad Faith Failure to Settle: Will Alabama Recognize an Excess Insurance Carrier's Standing to Sue a Primary Insurance Carrier? 18:467

Insurance—Bad Faith and First Party Extra-contractual Damages 5:497

Selecting and Using Expert Witnesses in Bad Faith Cases 19:561

Squelching First Party Bad Faith Breach of an Insurance Contract: *Aetna v. Lavoie*, An Opportunity Lost 9:439

BANKRUPTCY

Bankruptcy—Automatic Stay Provision of the Bankruptcy Code Held Constitutional 7:632

Bankruptcy—Chapter 13—the Good Faith Requirement 6:501

Bankruptcy—*In re Headrick*: A Reply to the Questionable Applicability of Section 106 of the Bankruptcy Code 20:685

In re Chateaugay Corp.: To What Extent Are Contingent Claims and Injunctive Remedies Under CERCLA Dischargeable in Bankruptcy? 16:255

Representing the Judgment Creditor 16:1

To Exclude or Not to Exclude: The Dilemma of ERISA Pension Plans in the Realm of Bankruptcy 15:343

BAR ADMISSION

Attorneys—Admission to Practice 3:321

Attorneys—Bar Admissions 3:520

Attorneys—Constitutionality of Statute Restricting Number of Times a Party Can Retake Bar Examination 4:383

Pro Hac Vice: Revitalizing a Wounded Specialty 4:23

BATTERED WOMEN

Changes in the Law Affecting Battered Women: Past, Present, and Future 3:45

Family Law—Wife-Battering 2:386

BURDEN OF PROOF

Batson and Groups Other Than Blacks: A Strict Scrutiny Analysis 11:377

Criminal Law—*State v. Jackson*: Defining "Beyond a Reasonable Doubt" 20:435

Criminal Procedure—Peremptory Challenge and the Burden of Proof to Show a Violation of Equal Protection and Due Process 7:639

Easing the Employer's Burden of Proof in Title VII Cases 5:337

"Fixing" the Standard of Care: Motivated Athletes and Medical Malpractice 12:215

Jurors' Comprehension and Assessment of Probabilistic Evidence 16:361

Policy, Custom, or Practice: The Contours of Proof of Section 1983 Municipal Liability 10:477

Rogers v. Meridian Park Hospital: The Demise of the "Error in Judgment/Honest Mistake" Jury Instruction in American Medical Malpractice Trials 14:221

Summary Judgment: Taming the Beast of Burdens 10:433

The Burden of Proof and Procedural Fairness in Capital Cases 3:75

BUSINESS LAW

An Asset Purchase: Is it Safe or is it a Trap for the Unwary? 10:393

Civil Procedure—Real Party in Interest—Business Trusts 4:699

Corporations—Successor Corporations and Their Liability in Personal Injury Cases 7:411

Dismissal of a Derivative Suit: The *Zapata* Test Can Work 8:485

Franchise Termination: An Analysis of the Implied Covenant of Good Faith in Franchise Agreements 12:325

Report on Planning and Budgeting of Legal Services for Corporations By Outside Counsel 18:429

Representing the Judgment Creditor 16:1

Shedding the Defense Mindset: Representing Corporate Plaintiffs in Complex Litigation 20:69

C

CAPITAL PUNISHMENT

Civil Procedure—Stay of Execution of Judgment Granted Without Supersedeas Bond 5:352

Constitutional Law—Ex Post Facto Laws—Equal Protection—No Ex Post Facto Violation Where Defendant Given Death Sentence Pursuant to Constitutional State Statute, Even Though Crime Occurred When Death Penalty Was Governed by Earlier State Statutes, Which Were Later Held Unconstitutional 1:338

Criminal Law—Capital Punishment: Overbroad Interpretation of Capital Sentencing Statute 4:730

Criminal Law—Death Penalty 5:175

Criminal Law—Death Penalty Must be Reduced to Life Imprisonment if a Single Venireman Has Been Erroneously Excluded

Under the Witherspoon Test for Conscientious Objection to Capital Punishment 1:177
Speaking the Truth: Voir Dire in the Capital Case 3:199
State v. Shaw: The Status of Juvenile Executions 10:171
The Burden of Proof and Procedural Fairness in Capital Cases 3:75

CAUSATION
Toxic Shock Syndrome: Proving Causation Before Science Has 6:15
Trial by Lottery: The Misuse of Epidemiology and Statistics to Prove Causation in Drug and Chemical Litigation 12:19

CHILD ABUSE
Child Protection and Family Preservation—A Delicate Balance 17:669
Civil Procedure—Tolling the Statute of Limitations: The Discovery Rule in Childhood Sexual Abuse Cases 19:237

CHILD CUSTODY
Domestic Relations—The Homosexual Parent in Child Custody and Visitation Cases 6:509
Family Law—Custody 2:190
Family Law—Custody 4:486
Family Law—Custody Suits—Religious Beliefs of Parents 4:209
Family Law—Unwed Father's Right to Custody of Illegitimate Child 4:213
The Purpose, Planning, and Use of Depositions in Contested Child Custody Litigation 1:75

CHILD SUPPORT
Child Support and the Courts in the Year 2000 17:693
Divorce Law—Child Support—Statutory Change in Age of Majority Does Not Affect Parent's Duty of Support 1:193
Domestic Relations—Enforcement of Child Support Obligations Through Civil Contempt 6:347
Domestic Relations—Enforcing Child Support Past Majority 5:193
Family Law—Child Support 4:488
Family Law—Child Support to Step Children 4:473
Family Law—Enforcement of Child Support 4:212
Family Law—Visitation Rights and Child Support 2:192

CHILDREN'S DEFENSE FUND
Beat the Odds 16:569

CIVIL PROCEDURE
An Up-Date on Rule 37 Sanctions After *National Hockey League v. Metropolitan Hockey Clubs*, Inc. 3:413
Civil Procedure—60(b) Motion After Notice of Appeal is Filed 3:533
Civil Procedure—Abstention 3:524
Civil Procedure—Amount in Controversy—Removal 3:327
Civil Procedure—Appeals—Finality Doctrine 3:324
Civil Procedure—Citizenship for Diversity Jurisdiction 4:131
Civil Procedure—Collateral Estoppel and Res Judicata 4:397
Civil Procedure—Collateral Estoppel: The Effect of a Prior Criminal Conviction in a Subsequent Civil Action 7:405
Civil Procedure—Compromise and Settlement 4:400
Civil Procedure—Consignee as Real Party in Interest 4:679
Civil Procedure—Court Requires Deponent to Answer Question Despite Claim of "Academic Freedom Privilege" 5:519
Civil Procedure—Discovery 2:356
Civil Procedure—Due Process 2:351
Civil Procedure—Due Process—Minimum Contacts—The Limits of Long-Arm Statutes 6:503
Civil Procedure—Due Process Limit on Long-Arm Statutes 4:126
Civil Procedure—Fifth Circuit Rules on Length of Texas Long-Arm Statute 5:524
Civil Procedure—Final Judgments on Individual Claims in Multiclaim Actions 4:690
Civil Procedure—Granting Attorney's Motion for Withdrawal in Anticipation of Perjural Testimony 5:520
Civil Procedure—In Personam Jurisdiction 5:133
Civil Procedure—In Personam Jurisdiction—Minimum Contacts 4:693
Civil Procedure—Jurisdiction 2:353
Civil Procedure—Jurisdiction—Due Process Requires That Quasi In Rem and In Rem Jurisdiction Rest Upon "Minimum Contacts" Standard of International Shoe Decision 1:325
Civil Procedure—Magistrates—Statutory Authority to Conduct Trials By Consent 5:347
Civil Procedure—Mandamus and Venue 4:392
Civil Procedure—Motion for Award of Attorney's Fees 3:536
Civil Procedure—Pendent Jurisdiction 3:527
Civil Procedure—Quasi In Rem 4:129
Civil Procedure—Real Party in Interest—Business Trusts 4:699

Civil Procedure—Relation Back in Removed Cases and Interlocutory Appeal 5:140
Civil Procedure—Res Judicata in Extraordinary Relief Actions 5:138
Civil Procedure—Res Judicata—Workman's Compensation Awards 4:703
Civil Procedure—Right of Foreign Corporations to Bring Compulsory Counterclaims and Third Party Complaints 4:687
Civil Procedure—Rule 36 Request for Admission—Matters Not Admitted or Denied Within the Established Time Limitation Are Not Necessarily Admitted 1:334
Civil Procedure—School District Required to Divulge Personal Data on Individual Students to Private Litigants Notwithstanding the Buckley Amendment 1:157
Civil Procedure—Service of Process 3:326
Civil Procedure—State Statute of Limitations and Fed. R. Civ. P. 3 in Diversity Actions 4:683
Civil Procedure—Statutory Jurisdiction 3:530
Civil Procedure—Stay of Execution of Judgment Granted Without Supersedeas Bond 5:352
Civil Procedure—Sua Sponte Certification of a Class Upheld in Products Liability Litigation 5:522
Civil Procedure—Summary Judgment 4:402
Civil Procedure—The Balancing Test of Forum Non Conveniens Upheld 5:517
Civil Procedure—Tolling the Statute of Limitations: The Discovery Rule in Childhood Sexual Abuse Cases 19:237
Civil Procedure—*Woodson v. Fulton* 4:399
Class Actions in Employment Discrimination: Balancing the Broad Remedial Provisions of Title VII with the Procedural Prerequisites of Rule 23 of the Federal Rules of Civil Procedure 1:299
Exceptions to the Clearly Erroneous Test After the Recent Amending of Rule 52(a) for the Review of Fact Based Upon Documentary Evidence 10:409
Federal Civil Procedure—Class Actions—28 U.S.C.§ 1292(a)(1) Held to Be an Inappropriate Jurisdictional Predicate Upon Which to Base an Interlocutory Appeal After a Denial of Class Action Certification 1:376
Federal Rule 23 Class Actions—The State and Federal Alternatives 2:135
Practical Aspects of the Excess Judgment Case 6:405
Pre-judgment Remedies: A Proposed Federal Remedy Statute and Related Proposed Amendment to Federal Rule of Civil Procedure 64 11:219
Preventing Brushfires: Avoiding Procedural Traps in the Course of Litigation 11:203
Production of Results Under Rule 34 5:253
Rule 11: What is Reasonable? What is Proper? 13:729
Rule 65 and Judicial Abuse of Power: A Modest Proposal for Reform 19:87

CIVIL RIGHTS

Affirmative Action in the Wake of *Weber* 4:97
Civil Rights—Appointment of Counsel 5:144
Civil Rights—Class-Based Discriminatory Intent Not Required to Establish a Cause of Action Under 42 U.S.C. § 1985(2) 5:527
Civil Rights—Conspiracy to Interfere with Civil Rights 3:330
Civil Rights—Constitutionality of At-Large Elections 4:413
Civil Rights—Discriminatory Intent Under Title VII 3:546
Civil Rights—Due Process Not Required in Temporary Suspension of Bus Routes for Students When Only a *De Minimis* Deprivation Results 6:331
Civil Rights—EEOC Actions for Class Relief 3:543
Civil Rights—Employer Held Not Liable for Wrongful Discharge of At Will Employee 5:528
Civil Rights—Employment Discrimination—Commission's Failure to Inform Aggrieved Federal Employees of Their Right to Bring a Personal Action did not Prevent the Thirty Day Period of Limitation from Running 1:161
Civil Rights—Equal Pay Under the Bennett Amendment 5:149
Civil Rights—Freedom of Religion as a Defense to Employment Discrimination Charges Under Title VII 5:154
Civil Rights—Judge Defers Standing of Plaintiff in Utero to Legislature 5:529
Civil Rights—Pregnancy Discrimination Act Applicable to Female Employees and Not Dependents of Employees 6:333
Civil Rights—Private Right of Action Under *Bivens* for Violation of Eighth Amendment Rights 3:540
Civil Rights—Redlining Practices of Insurance Companies Violative of Title VIII of the Civil Rights Act of 1968 3:541
Civil Rights—Reverse Discrimination—Benign Intent 4:136
Civil Rights—Rights of Pregnant Employees Under Title VII 5:146
Civil Rights—State Held to Possess Standing 5:530
Civil Rights—The Constitutional Right of Involuntarily Civilly Committed Mental Patient to Receive Treatment is Recognized 1:169

Civil Rights—The "Special Relationship" Doctrine as a Basis for School District Liability Under 42 U.S.C. § 1983 20:463
Civil Rights—Timely Filing Under Title VII 3:545
Civil Rights—Title IX—Private Cause of Action 3:329
Civil Rights—Use of § 1981 by White Plaintiffs Against Sectarian Educational Institutions 5:158
Coming of Age: Unique and Independent Treatment of the ADEA 7:583
Discriminatory Religious Services: The Exception to Practices Prohibited by Civil Rights Statutes 10:141
Easing the Employer's Burden of Proof in Title VII Cases 5:337
Employment Law—Debating Individual Liability Under Title VII of the Civil Rights Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act 19:677
Gender-Based Discrimination Under State Statutes Modeled After the Civil Rights Act of 1964: Washington's Response to the Question 10:573
Litigating the State Action Issue in Peremptory Challenge Cases 13:573
Pregnancy Disability Act: Its Conceptual Framework and Conceivable Future 3:295
The Civil Rights Act of 1991: Should the Supreme Court Apply it Retroactively? 17:773
The Nation's First Application of the Exhaustion Requirement of 42 U.S.C. § (e); "The Virginia Experience" 7:1
The Urgency Syndrome: The Government's Compelling Need to Administer Urinalysis Tests to Public Employees: *Jones v. McKenzie* 10:545

CLASS ACTIONS
Civil Procedure—Sua Sponte Certification of a Class Upheld in Products Liability Litigation 5:522
Civil Procedure—*Woodson v. Fulton* 4:399
Class Action Lawyers: Fools for Clients? 4:243
Class Actions 2:358
Class Actions: A Primer 20:305
Class Actions in Employment Discrimination: Balancing the Broad Remedial Provisions of Title VII with the Procedural Prerequisites of Rule 23 of the Federal Rules of Civil Procedure 1:299
Federal Civil Procedure—Class Actions—28 U.S.C.§ 1292(a)(1) Held to Be an Inappropriate Jurisdictional Predicate Upon Which to Base an Interlocutory Appeal After a Denial of Class Action Certification 1:376
Federal Rule 23 Class Actions—The State and Federal Alternatives 2:135
Small Claimant Class Actions: Deterrence and Due Process Examined 19:147

CLOSING ARGUMENT
Acting Within the Law 8:115
An Essay on Jury Argument 1:27
Closing Argument 19:51
Closing Argument Procedure 10:47
Cross-Examination and Final Argument Concerning Plaintiff's Economic Expert in Wrongful Death Actions 2:235
Fund Raising in the Courtroom: Persuasive Presentation of General Damages 6:433
James L. Jackson v. Johnson Manville Sales Corp. et al.: Closing Argument on Behalf of the Plaintiff 7:127
Prosecutorial Misconduct in Closing Argument: Remedial Measures 8:397
The John Hinckley Trial: Argument on Behalf of the Defense 6:94
The John Hinckley Trial: Argument on Behalf of the Government 6:47
The Three Types of Closing Arguments 18:115

COHABITATION
Consortium Rights of Unmarried Cohabitants 9:145
Domestic Relations—Effects of Unmarried Cohabitation Upon Alimony 5:197
Family Law—Enforcing Agreements Between Unmarried Cohabitants 3:587
Family Law—Property Settlements Between Unmarried Cohabitants 2:387

COLLATERAL ESTOPPEL
Civil Procedure—Collateral Estoppel and Res Judicata 4:397
Civil Procedure—Collateral Estoppel: The Effect of a Prior Criminal Conviction in a Subsequent Civil Action 7:405
Criminal Law—Nonmutual Collateral Estoppel in Criminal Actions 4:761
Invoking Collateral Estoppel Offensively: The Ends of Justice . . . or the End of Justice? 4:75
Offensive Collateral Estoppel 6:257

COMMERCIAL SPEECH
RJR-MacDonald Inc. v. Attorney-General of Canada: The Quebec Court of Appeal Upholds the Tobacco Products Control Act 16:785

Salesmen in the Dorms: A Look at *Board of Trustees of the State University of New York v. Fox* and the New Twist in Commercial Speech Cases 13:957
Tobacco Advertising, Public Welfare, and Commercial Free Speech: Some Comparative Insights From the Canadian Experience 16:497

COMPARATIVE NEGLIGENCE
Adoption of Comparative Negligence in Alabama: A Needed Judicial Reform 14:529
Daly v. General Motors, Corp.: Comparative Negligence as a Defense to Strict Liability 17:555
Pamela B. v. Hayden: Apportioning Liability Based Upon One's Fault Rather Than One's Pocketbook 18:701
Torts—Comparative Negligence—Florida Limits the Doctrine of Set-off to Cases Where Neither Party is Injured or Where the Liability Exceeds the Insurance Coverage 1:205
Torts—Contributory or Comparative Negligence as a Full or Partial Defense to a Strict Liability Action 7:200

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT OF 1980 (CERCLA)
Environmental Crimes: The Boom in "Busting" Corporations and Their Responsible Officers 16:417
In re Chateaugay Corp.: To What Extent Are Contingent Claims and Injunctive Remedies Under CERCLA Dischargeable in Bankruptcy? 16:255

COMPUTERS AND THE LAW
Computer-Generated Exhibits—Demonstrative, Substantive, or Pedagogical—Their Place in Evidence 18:1
Computer Related Litigation Using Tort Concepts 9:97
Computers and the Litigator 7:493
Garbage In, Garbage Out: The Need for New Approaches to Computer Evidence 9:411
Pretesting All Phases of a Jury Trial With the Aid of a Microcomputer 9:53
Recovery of Computer-Assisted Research Charges in Federal Court: Putting Some Byte in Federal Fee and Cost Shifting Statutes 9:265

CONFIDENTIALITY
Confidentiality in Mediation: The Best Protection Has Exceptions 19:411
Preventing Manufacturer Compelled Disclosure of Confidential Information Contained in Voluntarily Submitted Adverse Event Reports 19:265
The First Amendment and Confidentiality Orders Since *Seattle Times v. Rhinehart* 13:681

CONFLICTS OF INTEREST
Conflicts of Interest Between Insurer and Insured: Ethical Traps for the Unsuspecting Defense Counsel 17:101
L&S Roofing Supply Co. v. St. Paul Fire & Marine Insurance Co.: Conflict of Interest in Reservation of Rights Situations 12:367

CONFLICTS OF LAW
Choice of Law—Abandoning the "Toothless Old Dog" of *Lex Loci Delecti* in Tort Actions 20:443
Choice-of-Law Approaches in Tort Actions 16:859

CONSTITUTIONAL LAW
A Federal Habeas Corpus Primer 4:51
A New Standard for Acquittal (*Jackson v. Virginia*) 4:17
Alabama v. White: The Constitutionality of Anonymous Telephone Tips in Support of "Reasonable Suspicion" and the Narrowing of Fourth Amendment Protections 14:605
Attorneys—Constitutionality of Statute Restricting Number of Times a Party Can Retake Bar Examination 4:383
Attorneys—Requirement that Attorney Pay Expenses for Defense of Indigent Client Held Unconstitutional Without Reimbursement 6:184
Bankruptcy—Automatic Stay Provision of the Bankruptcy Code Held Constitutional 7:632
BMW of North America, Inc. v. Gore [Supreme Court Brief] 20:103
Can I Say That in This Advertisement? Twenty Years of Attorney Advertising 20:409
Civil Rights—Constitutionality of At-Large Elections 4:413
Civil Rights—Private Right of Action Under *Bivens* for Violation of Eighth Amendment Rights 3:540
Civil Rights—The Constitutional Right of Involuntarily Civilly Committed Mental Patient to Receive Treatment is Recognized 1:169
Civil Rights—Use of § 1981 by White Plaintiffs Against Sectarian Educational Institutions 5:158

Colonial Pipeline v. Brown: Georgia Constructs a State Constitutional Limit on Punitive Damages 12:511
Constitutional Law—Abortion Consent Forms 5:166
Constitutional Law—Academic Freedom 4:427
Constitutional Law—Court Holds County Maintenance of Religious Symbol in Violation of Establishment Clause 6:337
Constitutional Law—Court Issues Guidelines Concerning Coerced Consent to Search and Seizure 5:533
Constitutional Law—Door-to-Door Solicitation 4:418
Constitutional Law—Drug Courier Profile: Certain Characteristics Displayed by an Individual Are Not Sufficient to Justify the Initial Stop 7:407
Constitutional Law—Ex Post Facto Laws—Equal Protection—No Ex Post Facto Violation Where Defendant Given Death Sentence Pursuant to Constitutional State Statute, Even Though Crime Occurred When Death Penalty Was Governed by Earlier State Statutes, Which Were Later Held Unconstitutional 1:338
Constitutional Law—First Amendment—Newspersons' Privilege 5:161
Constitutional Law—First Amendment Protections Bow Before the Need to Develop Relevant Evidence 8:499
Constitutional Law—Freedom of Religion: Government Neutrality 5:163
Constitutional Law—Freedom of Speech Versus Right to Privacy—Shopping Center Solicitation 4:717
Constitutional Law—Funding of Abortions Under the Medicaid Program—Constitutionality of the Hyde Amendment 4:708
Constitutional Law—Michigan Court Joins Majority in Denying Judicial Review of Staffing Decisions of Private Hospitals 6:339
Constitutional Law—Residential Picketing 4:721
Constitutional Law—Restraint of Picketing—Violative of Free Speech 8:501
Constitutional Law—Retrospective Application of Parole Criteria May Violate Ex Post Facto Clause 6:189
Constitutional Law—Right to a Closed Criminal Trial 4:725
Constitutional Law—School Prayer 4:421
Constitutional Law—Search and Seizure—A Federal District Court Has Authority to Order the Technical Assistance of a Telephone Utility in Conjunction with Authorized Pen Register Surveillance 1:342
Constitutional Law—Search and Seizure—A Federal District Court Has Inherent Authority to Order the Technical Assistance of a Telephone Utility in Conjunction with Authorized Pen Register Surveillance 1:173
Constitutional Law—Second Circuit Distinguishes a Revolutionary Organization from a Religion 5:534
Constitutional Law—Sexually Oriented Businesses 4:424
Constitutional Law—Statute Prohibiting Possession of Police Radar Detector in Motor Vehicle Upheld 5:535
Constitutional Law—The Propriety of the Trial Court's Inquiry into the Jury's Numerical Division 6:191
Constitutional Law—The Right to Privacy and Freedom of Association 5:171
Constitutional Law—Use of Canines as Drug Detection Device Must Adhere to the Requirement of a Limited Search 6:193
Coram Nobis and the Right to Counsel 2:273
Cruzan v. Director, Missouri Department of Health and the Right to Die: Where Should the Line Be Drawn? 14:645
Direct Criminal Contempt and the Trial Attorney: Constitutional Limitations on the Contempt Power 14:243
Domestic Relations—Ex Parte Provision of Adult Abuse Act Ruled Constitutional 6:197
Equal Protection Under the Law: Improving Access to Civil Justice 20:331
Evidence Rule 403 After *United States v. Old Chief* 20:563
Evidence—Fifth Amendment Privilege in Civil Cases 4:461
Evidence—*Jaffee v. Redmond*: Supreme Court Recognition of Protected Psychotherapist Privilege 20:679
Family Law—Constitutionality of Juvenile Mental Health Commitment Procedures 3:579
Federal Preemption of Product Liability Law: Federalism and the Theory of Implied Preemption 15:435
Halberstam v. Welch: Economic Justice as a Means of Handgun Control? 7:377
Holmes v. Securities Investor Protection Corp.: The Supreme Court Restricts Civil RICO 16:447
Implied Consent Statutes: What is Refusal? 9:423
Joint Trials, Spillover Prejudice, and the Ineffectiveness of a Bar Limiting Instruction 9:21
Marby v. Johnson: The Supreme Court Sees the Forest Through the Trees, Reverses Plea Bargain Decision 8:267

Marital Communications After the Federal Rules of Evidence: New Privilege Interpretations of the Constitution 1:137
Medical Malpractice—Constitutionality of Statutory Mediation Panels 4:816
Michigan Department of State Police v. Sitz: Has the Supreme Court Let Public Sentiment Shroud the Constitution? 14:585
New Jersey v. T.L.O.: New Standard of Review of New Label? 9:157
Opening Statement: A Constitutional Right? 7:623
Pacific Mutual Life Insurance Co. v. Haslip [Supreme Court Brief] 15:105
Private Actions for Damages Resulting From an Environmental Public Nuisance: Overcoming the Barrier to Standing Posed By the "Special Injury" Rule 16:591
Products Liability—Statute Barring Product Liability Claims on Products in Use for Over Ten Years Held Unconstitutional 6:513
Property—Ordinances Found Constitutional—Exercise of Police Power 4:836
Property—The Regulation of Private Property for Public Purposes—Ordinances Found Unconstitutional: Compelling State Interest 4:828
Rhode Island v. Innis: A Fifth Amendment Case with Sixth Amendment Implications 4:339
Rights of the Terminally Ill 2:396
RJR-MacDonald Inc. v. Attorney-General of Canada: The Quebec Court of Appeal Upholds the Tobacco Products Control Act 16:785
Salesmen in the Dorms: A Look at *Board of Trustees of the State University of New York v. Fox* and the New Twist in Commercial Speech Cases 13:957
Search and Seizure—Warrantless Search of Family Day Care Homes Held Constitutional Under "Pervasively Regulated Business" Exception 8:325
South Dakota v. Neville—A Further Diminution of the Self-Incrimination Privilege 6:485
Sovereign Immunity: The King Can Do No Wrong 8:471
St. Mary's Honor Center v. Hicks: Is the Supreme Court's Definition of Pretext Beneficial or Detrimental to Title VII Plaintiffs? 18:213
State-Federal Jurisdiction: A De Facto Merger? 4:333
Statutes—Statutory Interpretation: Which Statute Applies When the Same Subject Is Covered by More Than One Statute? 7:425
Student First Amendment Rights in the Public School Setting: A Topic of Increased Litigation 6:163
Students' First Amendment Rights: Gone With the Wind? 11:173
Survey of State "Good-Time" Laws 8:57
The Bell Tolls for Thee: But When? Legal Acceptance of "Brain Death" as a Criteria for Death 9:331
The Burden of Proof and Procedural Fairness in Capital Cases 3:75
The Civil Rights Act of 1991: Should the Supreme Court Apply it Retroactively? 17:773
The Confounding Prong of the *Harlow v. Fitzgerald* Qualified Immunity Test: When is a Constitutional Right Clearly Established? 17:797
The Erie Doctrine and Nonunanimous Civil Jury Verdicts 4:665
The First Amendment and Confidentiality Orders Since *Seattle Times v. Rhinehart* 13:681
The Inventory Exception to the Fourth Amendment Warrant Requirement: Why the Last in Should be the First Out—Or, Putting *Opperman* and *Bertine* in Their Place 12:273
The Nation's First Application of the Exhaustion Requirement of 42 U.S.C. § (e); "The Virginia Experience" 7:1
The Need for "Time and Freshness of Mind" 6:311
Tobacco Advertising, Public Welfare, and Commercial Free Speech: Some Comparative Insights From the Canadian Experience 16:497
Tort Reform and the Constitution 10:287
United States v. Doe: Fifth Amendment Protection from the Compulsory Production of Documents 8:293
United States v. Sun Myung Moon: The Right of an Unpopular Defendant to a Bench Trial 8:445
Urinalysis Drug Tests: Do They Make the Grade? 11:491
Vampire or Dinosaur: A Time to Revisit *Schmerber v. California*? 19:503
Wading Through the Procedural Marshes of Original Jurisdiction Guided by the Tidelands Cases: A Trial Before the United States Supreme Court 11:65
What Can the Defense Attorney Say at a "Preformal Charge" Press Conference? *Gentile v. State Bar of Nevada* Puts a Porous Gag on Trial Lawyers 15:269

CONSTRUCTION LAW

Construction Management: Evolving Roles and Exposure of Construction Managers and Architects/Engineers 12:55
From Buyer Beware to Builder Beware—The Subsequent Purchaser's Cause of Action Against the Builder 11:143
Government Contractor Defense—Absolute Immunity for the Product Maker 12:1
Proof Development for Construction Litigation 7:433

CONSUMER PROTECTION

Fair Debt Collection Practices Act: Confusion in Compliance and a Continuing Increase in Litigation 20:15

CONTRACT LAW

Brown v. Fritz: A Further Restriction on the Recovery of Damages for Emotional Distress Arising From a Breach of Contract 14:203
Contracts—Arbitration Agreements: When Does the Federal Arbitration Act Preempt State Law? 19:691
Contracts—Competitive Bidding and Disappointed Bidders 4:438
Contracts—Insurance Clauses 4:430
Contracts—Quantum Meruit and Unjust Enrichment 4:434
Contracts to Split Lottery Prizes: What Happens When the Ticket is a Winner? 18:201
Contractual Privity as an Element of Bad Faith Failure to Settle: Will Alabama Recognize an Excess Insurance Carrier's Standing to Sue a Primary Insurance Carrier? 18:467
Domestic Law—Antenuptial Agreement Upheld in Case of First Impression in Massachusetts 5:541
Landlord-Tenant—Alabama Supreme Court Declares Exculpatory Clauses in Residential Leases Void as Against Public Policy Where Not "Bargained For" 7:649
Medication Malpractice: Claims, Culprits and Defenses 16:65
Reversal of a Trend? A Lost Hope for Parentally Funded Higher Education in *Jones v. Jones* 9:347
Squelching First Party Bad Faith Breach of an Insurance Contract: *Aetna v. Lavoie*, An Opportunity Lost 9:439
Warranties—Implied Warranty of Fitness 3:378
Warranties—Implied Warranty of Merchantability 3:376
Warranties—New Housing: Implied Warranty of Habitability 3:375

CONVERSION

Effects of Conversion and Trade Custom on Article 2 Titles 11:277

COPYRIGHTS

Intellectual Property—Copyright Licensing Agreements: In Contemplation of Future Technology 19:485

CORPORATE LAW

Americans with Disabilities Act: Impact Upon Workers' Compensation—Friend or Foe? A Primer for the Corporate Insurance Department and Outside Counsel 17:637
An Asset Purchase: Is it Safe or is it a Trap for the Unwary? 10:393
Corporations—Successor Corporations and Their Liability in Personal Injury Cases 7:411
Dismissal of a Derivative Suit: The *Zapata* Test Can Work 8:485
Environmental Crimes: The Boom in "Busting" Corporations and Their Responsible Officers 16:417
Report on Planning and Budgeting of Legal Services for Corporations By Outside Counsel 18:429
Representing the Judgment Creditor 16:1
Shedding the Defense Mindset: Representing Corporate Plaintiffs in Complex Litigation 20:69

COST OF LITIGATION

Does a Good Result Beat a Cheap Legal Fee? 19:1
Report on Cost-Effective Management of Corporate Litigation 19:11
Report on Planning and Budgeting of Legal Services for Corporations By Outside Counsel 18:429

COURTROOM

A Strategy for Effective Use of the Courtroom During Direct Examination 8:205
Toward a Unified Theory of Courtroom Design Criteria: The Effect of Courtroom Design on Adversarial Interaction 18:593

COURTS

An Action Plan to Reduce Court Cost and Delay 3:283
An Active Jury: Should Courts Encourage Jurors to Participate in the Questioning Process? 16:109
Annual Report on the State of the Judiciary 1:215
Annual Report on the State of the Judiciary 3:63

Attorneys—Admission to Practice 3:321
Attorneys—The Impact of *Leis v. Flynt* on Admission of Foreign Counsel 3:101
Courtroom Competence: Is Chief Justice Burger Wrong? 2:75
Improving Federal Trial Advocacy 1:109
Improving Federal Trial Advocacy—II 2:83
Judicial Involvement in Pre-Trial Settlement: A Judge is Not a Bump on a Log 6:27
Kentucky Courts Go Video 9:359
Pro Hac Vice: Revitalizing a Wounded Specialty 4:23
Report and Tentative Recommendations of the Committee to Consider Standards for Admission to Practice in the Federal Courts to the Judicial Conference of the United States 2:323
Should Judges Grease the Slow Wheels of Justice? A Survey on the Effectiveness of Judicial Mediary Techniques 8:83
The Controversy Surrounding Cameras in the Courtroom 3:503
The Need for "Time and Freshness of Mind" 6:311
The Speedy Trial Act: Its Effect on Civil Caseloads and Forum Shopping 9:125

CRIMINAL LAW

Alabama v. White: The Constitutionality of Anonymous Telephone Tips in Support of "Reasonable Suspicion" and the Narrowing of Fourth Amendment Protections 14:605
Articulation of Non-Race Based Reasons for Peremptory Challenges After *Batson v. Kentucky* 17:245
Attorneys—Criminal Law Standard a Criminal Lawyer Must Meet in Order to Prove Ineffective Representation of Counsel 7:177
Changing the Marital Rape Exemption: I Am Chattel(?!); Hear Me Roar 18:657
Corroborated Hearsay and the Confrontation Clause 15:293
Crime and Punishment: Annual Report to the American Bar Association 5:95
Crime: Towards a Constructive Debate 5:105
Criminal Law—Blood Alcohol Test Must Only Be Reliable for Admissibility into Evidence 7:181
Criminal Law—Capital Punishment: Overbroad Interpretation of Capital Sentencing Statute 4:730
Criminal Law—Conspiracy 5:186
Criminal Law—Constitutionality of "Speedy Trial" Act Questioned as an Infringement of the Separation of Powers Doctrine 1:347
Criminal Law—Death Penalty 5:175
Criminal Law—Death Penalty Must be Reduced to Life Imprisonment if a Single Venireman Has Been Erroneously Excluded Under the Witherspoon Test for Conscientious Objection to Capital Punishment 1:177
Criminal Law—Double Jeopardy 2:364
Criminal Law—Double Jeopardy 4:765
Criminal Law—Double Jeopardy 5:182
Criminal Law—Double Jeopardy—Dismissal of Federal Prosecution is Required Following Conviction for Identical Offense Absent Compelling Federal Interest 1:351
Criminal Law—Electronic Searches 4:449
Criminal Law—Entrapment as a Defense 3:340
Criminal Law—Habeas Corpus 3:554
Criminal Law—Homicide—Mere Act of Driving While Knowingly Intoxicated Does Not Provide the Requisite Malice for First Degree Murder Conviction in Vehicular Homicide 1:358
Criminal Law—Insanity as a Defense 3:343
Criminal Law—Juries 3:557
Criminal Law—Juries—Presence of Alternate Juror in Jury Room During Deliberations Does Not Constitute Reversible Error 1:363
Criminal Law—Jury Instruction Regarding Concurrent Sentences 3:347
Criminal Law—Jury Instructions 3:548
Criminal Law—Jury Nullification: The Inchoate Power 20:451
Criminal Law—No Criminal Liability Incurred When Spouse Failed to Summon Medical Aid 5:538
Criminal Law—Nonmutual Collateral Estoppel in Criminal Actions 4:761
Criminal Law—Penalty Enhancement 4:736
Criminal Law—Peremptory Challenges 3:562
Criminal Law—Plea Bargaining 3:345
Criminal Law—Plea Bargaining—Defendant's Fourteenth Amendment Due Process Rights Not Violated by Prosecutor's Obtaining Additional Indictment After Plea Agreement Refused 1:367
Criminal Law—Plea Bargaining—Trial Judge's Discretion to Refuse to Accept Sentence Proposed in Prior Agreement 6:195
Criminal Law—Police Officers May Conduct Warrantless Searches of Automobiles with Probable Cause 7:182
Criminal Law—Private Security Personnel Not Required to Give Miranda Warnings 5:537
Criminal Law—Rape 3:116
Criminal Law—Right to Counsel 4:772
Criminal Law—Search and Seizure 3:550
Criminal Law—Search and Seizure 4:739
Criminal Law—Search and Seizure 4:769
Criminal Law—Search and Seizure—Impoundment 3:339
Criminal Law—Search and Seizure—Plain View Doctrine 3:335

Criminal Law—Searches and Seizures in the Home 4:447
Criminal Law—*State v. Jackson*: Defining "Beyond a Reasonable Doubt" 20:435
Criminal Law—Statements Made After Miranda Warnings But Before Explicitly Waiving Right to Counsel 3:348
Criminal Law—The Effect of Uncounseled Misdemeanor Convictions on Enhancement Statutes 4:757
Criminal Law—The Inadvertence Requirement of the Plain View Doctrine 4:452
Criminal Law and Procedure—Right to Counsel 4:159
Criminal Law and Procedure—Sentencing for Rape Convictions—Unbridled Jury Discretion in Imposing a Life Sentence on Convicted Rapist is Unconstitutional 4:178
Defendant's Absence from State: When the Defendant Leaves Town Does He Take the Statute with Him? 8:183
Defendants in Criminal Cases as Witnesses at Trial 14:59
Defending White Collar Crimes 7:299
Direct Criminal Contempt and the Trial Attorney: Constitutional Limitations on the Contempt Power 14:243
Don't Keep Your Illegal Drugs and Your Unreported Income in the Same Cookie Jar 7:567
Entrapment: A Source of Continuing Confusion in the Lower Courts 5:293
Evidence—Confrontation and Rebuttal 4:785
Evidence—Evidence of Polygraph Test and Testimony of Polygraph Held Inadmissible in Criminal Trial 5:554
Evidence—Fifth Amendment Privilege in Criminal Cases 4:458
Evidence—Impeachment by Prearrest Silence 4:778
Evidence—Impeachment Via Prospective Plea Agreement 5:205
Evidence—The Right to Confront Witnesses 4:464
Ex parte Snell: The Expanding Controversy of the Admissibility of Prior Statements 19:435
Ford v. Wainwright: Insanity of the Death Row Inmate—A Second Chance? 11:311
Hearsay Exceptions—The Dying Declaration: Return to its Original Application 19:481
Henson v. State: Rape Trauma Syndrome Used by the Defendant as well as the Victim 19:453
How to Brief and Argue a Federal Criminal Appeal: The Best Approach 12:191
Innovative Pre-trial Motions in Criminal Defense 1:35
Litigating the Admissibility of Co-conspirators' Statements: A Defense Attorney's Perspective 18:325
Marby v. Johnson: The Supreme Court Sees the Forest Through the Trees, Reverses Plea Bargain Decision 8:267
Maryland v. Craig and the Confrontation Clause: When Does "Confront" Mean Confront? 14:363
Proving the Defendant's Bad Character 11:477
Rape Trauma Syndrome: Toward Proper Use in the Criminal Trial Context 20:227
Representation of Women Who Defend Themselves in Response to Physical or Sexual Assault 2:19
Sentencing the Criminal—A Judicial Responsibility 9:369
State v. Williquette: Protecting Children From Abuse Through the Imposition of a Legal Duty 12:171
Survey of State "Good-Time" Laws 8:57
The Defendant's Right of Confrontation—Are the Exceptions Swallowing the General Rule? (*Dasher v. Stripling*) 6:421
The Entrapment Defense 10:591
The Role of State Funded Programs in Legal Representation of Indigent Defendants in Criminal Cases 17:205
Warren v. State: One Attempt to Modernize the Marital Rape Exemption 10:157
What Can the Defense Attorney Say at a "Preformal Charge" Press Conference? *Gentile v. State Bar of Nevada* Puts a Porous Gag on Trial Lawyers 15:269

CRIMINAL PROCEDURE

Criminal Law and Procedure—Jury Instructions 4:156
Criminal Law and Procedure—Right to Counsel 4:159
Criminal Law and Procedure—Search and Seizure 4:164
Criminal Law and Procedure—Search and Seizure—Privacy Expectations of Non-Owner Automobile Occupants During Warrantless Search 4:168
Criminal Law and Procedure—Search and Seizure—Seizure of Items Not Described on Warrant is Valid When Burglary Victims Identify Same in Plain View 4:176
Criminal Law and Procedure—Search and Seizure—Third Party Consent to Warrantless Search 4:171
Criminal Law and Procedure—Search and Seizure—Warrantless Search of Luggage Incident to Lawful Airport Arrest 4:173
Criminal Law and Procedure—Sentencing for Rape Convictions—Unbridled Jury Discre-

tion in Imposing a Life Sentence on Convicted Rapist is Unconstitutional 4:178
Criminal Procedure—Effective Assistance of Counsel 3:139
Criminal Procedure—Entrapment—The Effect of Denying the Elements of the Crime Charged on the Availability of Entrapment as a Defense 8:197
Criminal Procedure—Peremptory Challenge and the Burden of Proof to Show a Violation of Equal Protection and Due Process 7:639
Criminal Procedure—Peremptory Challenges 3:128
Criminal Procedure—Right to Counsel and Student Practice Rules 2:372
Criminal Procedure—Right to Counsel and Trial By Jury 3:142
Criminal Procedure—State Has Duty During Investigative Stage of Drug Offense to Preserve Part of Substance in Question for Independent Analysis by Defendant 1:372
Criminal Procedure—The Government's Duty Pursuant to Title 18 U.S.C. § 3504 to Respond to Allegations of Use of Illegal Surveillance Devices is Diminished When a Subpoenaed Witness' Claim is Untimely 1:185
Criminal Procedure—U.S. District Court Order of Acquittal When a Jury Has Been Discharged Without Reaching a Verdict Is an Acquittal for Purpose of Double Jeopardy Clause and Is Not Appealable 1:181
Innovative Pre-trial Motions in Criminal Defense 1:35
Joint Trials, Spillover Prejudice, and the Ineffectiveness of a Bar Limiting Instruction 9:21
Lifting the Bridled Veil: Disclosure of Grand Jury Proceedings Under Rule 6(e) of the Federal Rules of Criminal Procedure 3:459
Name Calling at Trial: Placing Parameters on the Prosecutor 8:385
Prosecutorial Misconduct in Closing Argument: Remedial Measures 8:397

CROSS EXAMINATION

Cross Examination 7:19
Cross Examination—A Primer for Trial Advocates 8:11
Cross-Examination and Final Argument Concerning Plaintiff's Economic Expert in Wrongful Death Actions 2:235
Cross-Examination of the Medical Expert 3:239
Cross-examination: Walking the Line Between Proper Prejudice and Unethical Conduct 10:1
Cross-Examining a Legal Auditor 20:91
Effective Cross-Examination of Multiple Defense Medical Experts 1:1
Keeping Cross-Examination Under Control 18:245
Lost Earnings and Income Tax: Cross-Examination of Plaintiff's Economist 4:289
Medical Malpractice: The Service Patient—A Case Study in the Cross-Examination of Multiple Medical Defendants 1:251
Rethinking Advocacy Training 16:821
Suggestions for Enriching the Teaching of Trial Advocacy 16:193
The Cross-Examination of the Forensic Pathologist in Criminal Defense Cases 1:243
The Renaissance in American Trial Advocacy Literature: The Next Step 16:175

CUSTOMS LITIGATION

Litigation in the Court of International Trade 17:719

D

DAMAGES

BMW of North America, Inc. v. Gore [Supreme Court Brief] 20:103
Brown v. Fritz: A Further Restriction on the Recovery of Damages for Emotional Distress Arising From a Breach of Contract 14:203
Bystander Emotional Distress Claims in Medical Malpractice Actions 15:605
Colonial Pipeline v. Brown: Georgia Constructs a State Constitutional Limit on Punitive Damages 12:511
Damages—Automaker Not Liable for Enhanced Injuries Caused by Defect 7:415
Damages—Damages for Mental Distress Not Allowed for Future Physical Harm 7:416
Damages—Seat Belt Defense 7:641
Damages—The Effect of Future Inflation on Computation of Damages 6:343
Fixed Versus Variable Discount Rates in Reduction to Present Value 8:377
Fund Raising in the Courtroom: Persuasive Presentation of General Damages 6:433
Gone Today and Here Tomorrow: Damage Recovery for Subsequent Developing Latent Diseases in Toxic Tort Exposure Actions 14:159
Insurance—Bad Faith and First Party Extracontractual Damages 5:497
James L. Jackson v. Johnson Manville Sales Corp. et al.: Philosophy of Proof and Argument of Punitive Damages 7:123
Klawonn v. Mitchell: Does a Refusal to Instruct a Jury that Wrongful Death Damages are Excluded from Income Taxation Make the

Jury's Task Simpler or More Difficult? 19:211
Limiting Damages for Pain and Suffering: Arguments Pro & Con 10:317
Pacific Mutual Life Insurance Co. v. Haslip [Supreme Court Brief] 15:105
Pre-Judgment Interest in Personal Injury Cases: A Policy of Fairness 5:81
Private Actions for Damages Resulting From an Environmental Public Nuisance: Overcoming the Barrier to Standing Posed By the "Special Injury" Rule 16:591
Punitive Damages Since *Pacific Mutual Life Insurance Co. v. Haslip* 16:693
Recovery of Damages for the Negligent Infliction of Emotional Distress in Products Liability Cases 8:137
Tax—*Commissioner v. Schleier*: Taxability of ADEA Damage Awards 19:705
Torts—Federal Court Holds that Insurance May Cover Vicarious Punitive Damages Under Florida Law 5:563
Torts—Insurance Coverage of Punitive Damages 5:558
Torts—Proof of Damages in Malicious Prosecution Actions 4:508
Torts—Punitive Damages 4:225
Torts—Punitive Damages: Making the Plaintiff Whole or Making the State Wealthy? 19:699
Uncle Sam and the Tort-Feasors: A Look at the Tax Consequences of Tort Settlement 8:257
Villareal v. State Department of Transportation: Children's Right to Recovery for Loss of Parental Consortium 14:409
Wrongful Death—Damages for a Parent's Mental Distress are Recoverable for a Minor's Wrongful Death 7:393
Wrongful Pregnancy: Damages Recoverable for the Birth of a Normal, Healthy Child 7:385

DAUBERT STANDARD

A Review of the Admissibility of Novel Scientific Evidence 17:741
Evidence—Admissibility of Polygraph Evidence in Light of *Daubert v. Merrell Dow Pharmaceuticals, Inc.* 20:215

DEATH PENALTY

See CAPITAL PUNISHMENT

DEBT COLLECTION

Fair Debt Collection Practices Act: Confusion in Compliance and a Continuing Increase in Litigation 20:15

DEFAMATION

"Free Exercise" Footsteps in the Defamation Forest: Are "New Religions" Lost? (Part One of Three) 7:57
"Free Exercise" Footsteps in the Defamation Forest: Are "New Religions" Lost? (Part Two of Three) 7:307
"Free Exercise" Footsteps in the Defamation Forest: Are "New Religions" Lost? (Part Three of Three) 7:517
Health Law—Defamation of County Supported Hospital 5:388
References Available Upon Request . . . Not!—Employers Are Being Sued for Providing Employee Job References 17:755
Resolving the Paradox of the Innocent Construction Rule 7:481
Torts—Defamation—Campaign Workers: Public Figure? 5:420
Torts—Determination of Public Figure Status in Libel Actions 6:204
Torts—Product Disparagement—Defamation 5:413
Workmen's Compensation—Common Law Action for Defamation Is Not Precluded by Exclusivity Provision, Workmen's Compensation Act 6:531

DEFENSES

Connecticut v. Teal: In Disparate Impact Cases Brought Under Title VII, the Employer's "Bottom Line" is No Defense 8:121
Criminal Law—Entrapment as a Defense 3:340
Criminal Law—Insanity as a Defense 3:343
Criminal Procedure—Entrapment—The Effect of Denying the Elements of the Crime Charged on the Availability of Entrapment as a Defense 8:197
Damages—Seat Belt Defense 7:641
Defenses in Strict Tort Liability 5:485
Entrapment: A Source of Continuing Confusion in the Lower Courts 5:293
Expert Witness Testimony and the Diminished Capacity Defense 20:381
Medication Malpractice: Claims, Culprits and Defenses 16:65
Products Liability—Failure to Warn and State of the Art Defenses: Further Judicial Legislation in Consumer Protection? 6:515
Products Liability—Misuse of Product as an Affirmative Defense in Products Liability Actions 4:500
The Entrapment Defense 10:591
The Unclean Hands Defense to SEC Enforcement Actions 3:1

Torts—Contributory or Comparative Negligence as a Full or Partial Defense to a Strict Liability Action 7:200
Torts—No Liability for Contraceptive Manufacturer Who Warns Physician of Drug's Potential Dangers 5:559

DEMONSTRATIVE EVIDENCE
Computer-Generated Exhibits—Demonstrative, Substantive, or Pedagogical—Their Place in Evidence 18:1
Effective Use of Demonstrative Evidence: "Seeing is Believing" 5:427
Props: An Overview of Demonstrative Evidence 13:1097
Real and Demonstrative Evidence Away from Trial 17:509

DENTAL LITIGATION
Triennium of Dental Litigation 5:435

DEPOSITIONS
See DISCOVERY, PRETRIAL PROCEDURE

DIRECT EXAMINATION
A Strategy for Effective Use of the Courtroom During Direct Examination 8:205
Rethinking Advocacy Training 16:821
Suggestions for Enriching the Teaching of Trial Advocacy 16:193
The Gentle Art of Conversational English in Direct Examination 14:111

DISCIPLINARY HEARINGS
Crime & Punishment in Public Schools: An Empirical Study of Disciplinary Proceedings 17:351
Medical Staff Credentialing: Physician Challenges to Board Certification Criteria 18:673

DISCLOSURE
From Hide-and-Seek to Show-and-Tell: Evidentiary Disclosure Rules 17:497
Preventing Manufacturer Compelled Disclosure of Confidential Information Contained in Voluntarily Submitted Adverse Event Reports 19:265

DISCOVERY
Civil Procedure—Court Requires Deponent to Answer Question Despite Claim of "Academic Freedom Privilege" 5:519
Civil Procedure—Discovery 2:356
Civil Procedure—Rule 36 Request for Admission—Matters Not Admitted or Denied Within the Established Time Limitation Are Not Necessarily Admitted 1:334
Confidentiality Orders in Products Liability Cases 13:597
Deposition Preparation: A Methodological Approach 8:241
Deposition Strategy and Tactics 5:231
Discovering Trial Consultant Work Product: A New Way to Borrow An Adversary's Wits? 17:581
Exclusion of Evidence—23 U.S.C. § 409: Evidentiary Bar for Railroad Crossing Evaluations 19:471
From Hide-and-Seek to Show-and-Tell: Evidentiary Disclosure Rules 17:497
Guide for Deponent Preparation: Rules of the Game 14:97
Interaction Between 26(b)(3) and 26(b)(4) of the Federal Rules of Civil Procedure: Conflict and Confusion in the Federal Courts 9:319
Overintrusive Surveillance of Plaintiffs in Personal Injury Cases 9:1
Protective Orders: Sword and Shield in the War of Discovery 12:483
Representing the Judgment Creditor 16:1
Rules and Case Law Governing Videotape Depositions 12:87
The First Amendment and Confidentiality Orders Since *Seattle Times v. Rhinehart* 13:681
The Preparation of Interrogatories and Production Requests in Automobile Product Liability Actions 1:269
The Purpose, Planning, and Use of Depositions in Contested Child Custody Litigation 1:75
The Taking and Use of Videotaped Depositions 16:151
United States v. Doe: Fifth Amendment Protection from the Compulsory Production of Documents 8:293

DISCRIMINATION
Affirmative Action in the Wake of *Weber* 4:97
Avoiding Lawsuits for Employment Discrimination 20:277
Civil Rights—Class-Based Discriminatory Intent Not Required to Establish a Cause of Action Under 42 U.S.C. § 1985(2) 5:527
Civil Rights—Discriminatory Intent Under Title VII 3:546
Civil Rights—Employment Discrimination—Commission's Failure to Inform Aggrieved Federal Employees of Their Right to Bring a Personal Action did not Prevent the Thirty Day Period of Limitation from Running 1:161
Civil Rights—Equal Pay Under the Bennett Amendment 5:149

Civil Rights—Freedom of Religion as a Defense to Employment Discrimination Charges Under Title VII 5:154
Civil Rights—Pregnancy Discrimination Act Applicable to Female Employees and Not Dependents of Employees 6:333
Civil Rights—Reverse Discrimination—Benign Intent 4:136
Class Actions in Employment Discrimination: Balancing the Broad Remedial Provisions of Title VII with the Procedural Prerequisites of Rule 23 of the Federal Rules of Civil Procedure 1:299
Damned if They Do, Damned if They Don't: The Collision Between Religion and the Workplace Has Employers Caught in the Middle 20:353
Discrimination—Employment Discrimination—Sex Discrimination: Equal Pay for "Substantially Equal Work" 6:505
Discriminatory Religious Services: The Exception to Practices Prohibited by Civil Rights Statutes 10:141
Employment Discrimination—*O'Connor v. Consolidated Coin Caterers Corp.*: Broadening the Scope of Age Discrimination Claims Under the ADEA 20:211
Employment Law—Debating Individual Liability Under Title VII of the Civil Rights Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act 19:677
Gender-Based Discrimination Under State Statutes Modeled After the Civil Rights Act of 1964: Washington's Response to the Question 10:573
Preventing Manufacturer Compelled Disclosure of Confidential Information Contained in Voluntarily Submitted Adverse Event Reports 19:265
Sexual Harassment—Same-Sex Sexual Harassment and Title VII 20:663
Sexual Harassment—Should Schools Be Held Liable for Peer Sexual Harassment Under Title IX of the Education Amendments of 1972? 20:219
Splitting the Baby on After-Acquired Evidence in Employment Discrimination Cases 19:241
The Impact of the Americans with Disabilities Act on AIDS Discrimination in the Workplace 19:623
Workmen's Compensation—Sex Discrimination—Widow's Statutory Presumption of Total Economic Dependence Held Violative of Widower's Guarantee of Equal Protection 1:211

DIVERSITY

Civil Procedure—Citizenship for Diversity Jurisdiction 4:131
Civil Procedure—State Statute of Limitations and Fed. R. Civ. P. 3 in Diversity Actions 4:683

DIVORCE AND SEPARATION

Divorce Law—Child Support—Statutory Change in Age of Majority Does Not Affect Parent's Duty of Support 1:193
Domestic Relations—Determination of Maintenance Award Based Upon Spouse's Income Potential 7:419
Domestic Relations—Property Rights—Professional Degrees 5:189
Family Law—Divorce—Property Division 3:356
Family Law—Marital Property 4:205
Family Law—Property 2:387
Family Law—Summary Divorce Statute 2:386
Family Law—Wife's Resumption of Maiden Name 2:193
Pension Plans as Property in Divorce Proceedings 3:89
Trying Equitable Distribution Can Be Trying 5:225
Valuing Defined Benefit Pension Plans 7:47

DOCUMENTARY EVIDENCE

Documentary Evidence in Civil Cases 20:607
Exceptions to the Clearly Erroneous Test After the Recent Amending of Rule 52(a) for the Review of Fact Based Upon Documentary Evidence 10:409

DOMESTIC RELATIONS

Domestic Law—Antenuptial Agreement Upheld in Case of First Impression in Massachusetts 5:541
Domestic Law—Interference with Relation of Parent and Child 5:542
Domestic Law—Minors Denied Recovery for Loss of Parental Consortium 5:544
Domestic Relations—Determination of Maintenance Award Based Upon Spouse's Income Potential 7:419
Domestic Relations—Enforcement of Child Support Obligations Through Civil Contempt 6:347
Domestic Relations—Enforcing Child Support Past Majority 5:193
Domestic Relations—Ex Parte Provision of Adult Abuse Act Ruled Constitutional 6:197
Domestic Relations—Property Rights—Professional Degrees 5:189

Domestic Relations—The Homosexual Parent in Child Custody and Visitation Cases 6:509
Domestic Relations—The Use of Expert Testimony Concerning the "Battered Wife Syndrome" 8:505
Handling the Domestic Relations Case—A Specialized Problem in Lawyering 3:399
Interspousal Immunity and Domestic Torts: A New Twist on the "War of the Roses" 15:625

DOUBLE JEOPARDY

Criminal Law—Double Jeopardy 2:364
Criminal Law—Double Jeopardy 4:765
Criminal Law—Double Jeopardy 5:182
Criminal Law—Double Jeopardy—Dismissal of Federal Prosecution is Required Following Conviction for Identical Offense Absent Compelling Federal Interest 1:351
Criminal Procedure—U.S. District Court Order of Acquittal When a Jury Has Been Discharged Without Reaching a Verdict Is an Acquittal for Purpose of Double Jeopardy Clause and Is Not Appealable 1:181

DRAM SHOP LIABILITY

Lee v. Kiku Restaurant: Allocation of Fault Between an Alcohol Vendor and a Patron—What Could Happen After Providing "One More for the Road" 17:269

DUE PROCESS

Civil Procedure—Due Process 2:351
Civil Procedure—Due Process—Minimum Contacts—The Limits of Long-Arm Statutes 6:503
Civil Procedure—Due Process Limit on Long-Arm Statutes 4:126
Civil Procedure—Jurisdiction—Due Process Requires That Quasi In Rem and In Rem Jurisdiction Rest Upon "Minimum Contacts" Standard of International Shoe Decision 1:325
Civil Rights—Due Process Not Required in Temporary Suspension of Bus Routes for Students When Only a *De Minimis* Deprivation Results 6:331
Crime & Punishment in Public Schools: An Empirical Study of Disciplinary Proceedings 17:351
Criminal Law—Plea Bargaining—Defendant's Fourteenth Amendment Due Process Rights Not Violated by Prosecutor's Obtaining Additional Indictment After Plea Agreement Refused 1:367
Criminal Procedure—Peremptory Challenge and the Burden of Proof to Show a Violation of Equal Protection and Due Process 7:639
Small Claimant Class Actions: Deterrence and Due Process Examined 19:147
Tulsa Professional Collection Services v. Pope: Here Lies John Doe—But When May He Rest in Peace? 13:697

DUI/DWI

Criminal Law—Homicide—Mere Act of Driving While Knowingly Intoxicated Does Not Provide the Requisite Malice for First Degree Murder Conviction in Vehicular Homicide 1:358
Vampire or Dinosaur: A Time to Revisit *Schmerber v. California*? 19:503

E

EASEMENTS

Property—Easements by Necessity: What Level of Necessity is Required? 19:475

EIGHTH AMENDMENT

Civil Rights—Private Right of Action Under *Bivens* for Violation of Eighth Amendment Rights 3:540

ELDER LAW

Planning Tools Available to the Elderly Client 19:599

ELECTION LAW

Attorneys—Intervenors on the Side of the U.S. in a Voting Rights Act May Recover Attorney's Fees if They Are the "Prevailing Party" 6:498
Civil Rights—Constitutionality of At-Large Elections 4:413
Detecting Minority Vote Dilution Achieved Through the Use of Multimember Districting and "Standing"—Does the Extremely Small Minority Have it? 13:1187
The Voting Rights Act and the Election of Judges: Analysis and Comment 14:1

EMOTIONAL DISTRESS

Brown v. Fritz: A Further Restriction on the Recovery of Damages for Emotional Distress Arising From a Breach of Contract 14:203
Bystander Emotional Distress Claims in Medical Malpractice Actions 15:605
Emotional Distress—Negligent Infliction of Emotional Distress: Repeal of the "Impact" Rule 7:185
Negligent Infliction of Emotional Distress—Wisconsin Becomes Latest State to Formally Abandon the "Zone of Danger" Rule in

Bystander's Claim for Emotional Distress 18:495
Recovery of Damages for the Negligent Infliction of Emotional Distress in Products Liability Cases 8:137
Torts—Allowing a Bystander to Recover Emotional Distress Damages Caused by Witnessing Peril to a Victim 6:356
Torts—Bystander Recovery for Emotional Distress 3:599
Torts—Emotional Distress 2:400
Torts—Emotional Distress 4:230
Torts—Emotional Distress and Bystander Recovery 3:160
Torts—Infliction of Mental Distress Absent Physical Injury 6:355
Torts—Intentional Infliction of Extreme Mental Suffering Adopted as Separate Independent Tort 7:199
Torts—Recovery for Mental Injuries Under No-Fault Statutes 3:607

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 (ERISA)

ERISA: The Inevitable but Unexpected Hurdles of the Plaintiff's Welfare Benefit Plan 20:151
The Employee Retirement Income Security Act of 1974: An Overview of ERISA Preemption 17:529
The Right to Jury Trial in ERISA Civil Enforcement Actions 15:157
To Exclude or Not to Exclude: The Dilemma of ERISA Pension Plans in the Realm of Bankruptcy 15:343

EMPLOYMENT LAW

A New Tort in Alabama: Wrongful Employment Termination in Violation of Public Policy 12:39
A Proposed Rewrite of the Alabama Workers' Compensation Act 15:1
Avoiding Lawsuits for Employment Discrimination 20:277
Bobbit v. The Orchard, Ltd.: Altering the Employment-at-Will Relationship 20:181
Civil Rights—Employer Held Not Liable for Wrongful Discharge of At Will Employee 5:528
Civil Rights—Employment Discrimination—Commission's Failure to Inform Aggrieved Federal Employees of Their Right to Bring a Personal Action did not Prevent the Thirty Day Period of Limitation from Running 1:161
Civil Rights—Pregnancy Discrimination Act Applicable to Female Employees and Not Dependents of Employees 6:333
Civil Rights—Rights of Pregnant Employees Under Title VII 5:146
Class Actions in Employment Discrimination: Balancing the Broad Remedial Provisions of Title VII with the Procedural Prerequisites of Rule 23 of the Federal Rules of Civil Procedure 1:299
Damned if They Do, Damned if They Don't: The Collision Between Religion and the Workplace Has Employers Caught in the Middle 20:353
Discrimination—Employment Discrimination—Sex Discrimination: Equal Pay for "Substantially Equal Work" 6:505
Easing the Employer's Burden of Proof in Title VII Cases 5:337
Employee Benefits—Unemployment Benefits Based on Full Time Employment Not Forfeited for Leaving Subsequent Part Time Job Without Good Cause 7:643
Employees Covered by a Collective Bargaining Agreement: Are They Entitled to the Common-Law Tort Action for Retaliatory Discharge for Pursuing Workmen's Compensation Rights? 9:459
Employer-Employee Relations—Employee Right to Union Representation at Disciplinary Hearing 4:186
Employer-Employee Relations—Organizing Private, Non-Profit University Faculties 4:182
Employment Law—Debating Individual Liability Under Title VII of the Civil Rights Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act 19:677
Employment Law—*Manuel v. Westlake Polymers Corp.*: Must an Employee Specifically Mention the Family Medical Leave Act When the Need for Protected Leave is Unforeseeable? 19:685
Employment Law—Warning to the Disabled: Applying for Disability Benefits May Prevent You From Claiming to Be "Qualified" Under the ADA 20:669
Guercio v. Brody: Absolute Judicial Immunity—No Shield for Wrongful Employment Practices 11:543
Is Preferential Treatment Justified in Voluntary Affirmative Action Programs? 12:99
Let the Liar Beware! Lying on Employment Application May Bar Recovery of Workers' Compensation Benefits 16:737
Master and Servant—Employee's Right to Safe Working Conditions Requires Employer to Ban Cigarette Smoking in Work Area 1:201
Master and Servant—Employment Manual Ruled Implied Contract 8:329

Negligent Hiring: Employer's Liability for Acts of an Employee 7:603
Passive Smoking: Are We Our Brother's Keeper? 13:901
Protecting the Righteous Employer Against Abusive Sexual Harassment Claims: Two Modest Proposals 18:565
References Available Upon Request . . . Not!—Employers Are Being Sued for Providing Employee Job References 17:755
Sexual Harassment in the Workplace: The Continuing Quest for the Reasonable Woman Standards 15:415
Splitting the Baby on After-Acquired Evidence in Employment Discrimination Cases 19:241
St. Mary's Honor Center v. Hicks: Is the Supreme Court's Definition of Pretext Beneficial or Detrimental to Title VII Plaintiffs? 18:213
The Civil Rights Act of 1991: Should the Supreme Court Apply it Retroactively? 17:773
The Impact of the Americans with Disabilities Act on AIDS Discrimination in the Workplace 19:623
The Present Trend Toward a Good Faith Exception to the Employment At-Will Doctrine 13:715
"When Johnny Comes Marching Home Again": The Veterans' Reemployment Rights Act and Employer Obligations to Military Reservists 15:79

ENTRAPMENT
Criminal Law—Entrapment as a Defense 3:340
Criminal Procedure—Entrapment—The Effect of Denying the Elements of the Crime Charged on the Availability of Entrapment as a Defense 8:197
Entrapment: A Source of Continuing Confusion in the Lower Courts 5:293
The Entrapment Defense 10:591

ENVIRONMENTAL LAW
Environmental Crimes: The Boom in "Busting" Corporations and Their Responsible Officers 16:417
Gone Today and Here Tomorrow: Damage Recovery for Subsequent Developing Latent Diseases in Toxic Tort Exposure Actions 14:159
In re Chateaugay Corp.: To What Extent Are Contingent Claims and Injunctive Remedies Under CERCLA Dischargeable in Bankruptcy? 16:255
Insurance Law—Insurers Suffer Defeat in Environmental Claims: Alabama Rejects Pro-insurer Interpretation of Pollution Exclusion Clause 20:673
"Lose If I Do, Lose If I Don't" Toxic Loans and the Lender's Search for a Crystalline Guide to Commercial Lending 15:365
Lujan v. Defenders of Wildlife: Where Does the Standing Issue Stand in Environmental Litigation? 16:761
Private Actions for Damages Resulting From an Environmental Public Nuisance: Overcoming the Barrier to Standing Posed By the "Special Injury" Rule 16:591
The Use of "Principled Negotiation" in Resolving Environmental Disputes 17:225

EQUAL PROTECTION
Civil Rights—Equal Pay Under the Bennett Amendment 5:149
Constitutional Law—Ex Post Facto Laws—Equal Protection—No Ex Post Facto Violation Where Defendant Given Death Sentence Pursuant to Constitutional State Statute, Even Though Crime Occurred When Death Penalty Was Governed by Earlier State Statutes, Which Were Later Held Unconstitutional 1:338
Criminal Procedure—Peremptory Challenge and the Burden of Proof to Show a Violation of Equal Protection and Due Process 7:639
Discrimination—Employment Discrimination—Sex Discrimination: Equal Pay for "Substantially Equal Work" 6:505
Equal Protection Under the Law: Improving Access to Civil Justice 20:331
Exploring the Frontiers of *Batson v. Kentucky*: Should the Safeguards of Equal Protection Extend to Gender? 14:289
Workers' Compensation—Equal Protection Consideration of Gender Based Distinction in State Compensation Law Governing Benefits Payable to Widows and Widowers 4:853

ESTATE PLANNING/ADMINISTRATION
Estate Planning Aspects of Structured Settlements 11:189
Planning Tools Available to the Elderly Client 19:599
Tulsa Professional Collection Services v. Pope: Here Lies John Doe—But When May He Rest in Peace? 13:697

ETHICS
See PROFESSIONAL RESPONSIBILITY

EVIDENCE

A Review of the Admissibility of Novel Scientific Evidence 17:741
Admissibility of Expert Testimony in Hearsay Form 5:277
Computer-Generated Exhibits—Demonstrative, Substantive, or Pedagogical—Their Place in Evidence 18:1
Civil Procedure—Collateral Estoppel: The Effect of a Prior Criminal Conviction in a Subsequent Civil Action 7:405
Constitutional Law—First Amendment Protections Bow Before the Need to Develop Relevant Evidence 8:499
Criminal Law—Blood Alcohol Test Must Only Be Reliable for Admissibility into Evidence 7:181
Criminal Procedure—State Has Duty During Investigative Stage of Drug Offense to Preserve Part of Substance in Question for Independent Analysis by Defendant 1:372
Day in the Life Films: New Limitations on Admissibility 4:357
Delusion or Despair: The Concept of Limited Admissibility in the Law of Evidence 13:781
Documentary Evidence in Civil Cases 20:607
Effective Use of Demonstrative Evidence: "Seeing is Believing" 5:427
Evidence—Admissibility of Polygraph Evidence in Light of *Daubert v. Merrell Dow Pharmaceuticals, Inc.* 20:215
Evidence—Admissibility of Post-Accident Design Change in Products Liability Actions 5:369
Evidence—Admission of Testimony Obtained by Hypnosis 5:547
Evidence—Application of the Marital Privilege in Federal Court 6:199
Evidence—Attorney-Client Privilege 3:354
Evidence—Attorney-Client Privilege 3:573
Evidence—Attorney-Client Privilege 4:195
Evidence—Attorney-Client Privilege Lost When Attorney Fails to Adequately Protect Documents 5:550
Evidence—Comparison of Handwritings by Jury Without the Aid of Competent Lay or Expert Testimony 6:349
Evidence—Confrontation and Rebuttal 4:785
Evidence—*Cooper v. Oklahoma*: Standard of Proof in Competency Hearings 20:223
Evidence—Court Sua Sponte Declares Mistrial Under Advocate-Witness Rule 5:552
Evidence—Evidence of Financial Condition 4:789
Evidence—Evidence of Polygraph Test and Testimony of Polygraph Held Inadmissible in Criminal Trial 5:554
Evidence—Expert Testimony 2:378
Evidence—Expert Witness—American Bar Association's Disciplinary Rule 7-109c, Forbidding an Attorney from Paying or Acquiescing in Payment of Compensation to Expert Witness Contingent Upon Outcome of the Case, Does Not Violate the Fourteenth Amendment 1:197
Evidence—Hypnotically Refreshed Testimony Ruled Inadmissible 5:549
Evidence—Impeachment—Pretrial Hearing Silence 2:379
Evidence—Impeachment by a Prior Conviction 2:380
Evidence—Impeachment by Prearrest Silence 4:778
Evidence—Impeachment Via Prospective Plea Agreement 5:205
Evidence—*Jaffee v. Redmond*: Supreme Court Recognition of Protected Psychotherapist Privilege 20:679
Evidence—Jurors' Use of Transcript as Aid in Understanding Videotaped Testimony 3:353
Evidence—Jury Instructions—Plain Error Rule 2:377
Evidence—Ohio Holds State Rules of Evidence Allow Admission of "Voice-Print" Analysis as Scientific Evidence 7:187
Evidence—Parent-Child Testimonial Privilege Not Recognized in Grand Jury Proceedings 7:645
Evidence—Polygraphs 4:191
Evidence—Post-Conspiracy, Custodial Statements 5:376
Evidence—Post-Hypnotic Identifications 4:791
Evidence—Pretrial Communications Between a Potential Witness and Counsel 3:578
Evidence—Privilege 2:178
Evidence—Rape Victim's Statements to Rape Crisis Center Lack Privileged Communications Protection 5:374
Evidence—Relevancy of Rape Victim's Prior Sexual Promiscuity 5:200
Evidence—Spectrographic Voice Analysis 3:145
Evidence—Statements Obtained in Violation of Disciplinary Rule 7-104(A)(1) of Code of Professional Responsibility 3:351
Evidence—The Marital Privilege 3:571
Evidence—"Use Immunity" for Testimony Given at Probation Revocation Hearings 6:353
Evidence—Use of Illegally Seized Evidence for Impeachment Purposes 4:782
Evidence—Wrongful Death—Plaintiff's Remarriage 5:208
Evidence Rule 403 After *United States v. Old Chief* 20:563

Evidentiary Failures: A Structural Theory of Evidence Applied to Hearsay Issues 18:353
Exceptions to the Clearly Erroneous Test After the Recent Amending of Rule 52(a) for the Review of Fact Based Upon Documentary Evidence 10:409
Exclusion of Evidence—23 U.S.C. § 409: Evidentiary Bar for Railroad Crossing Evaluations 19:471
Ex parte Snell: The Expanding Controversy of the Admissibility of Prior Statements 19:435
Family Law—Paternity Suits—Blood Tests 3:359
Fundamentals of Disability Determination and Rehabilitation: A Higher Ground for the Applied Neurobehavioral Sciences 8:337
Garbage In, Garbage Out: The Need for New Approaches to Computer Evidence 9:411
Have Juries Gone to the Movies?—The Use of Videotape in the Courtroom 12:141
Hearsay Exceptions—The Dying Declaration: Return to its Original Application 19:481
Henson v. State: Rape Trauma Syndrome Used by the Defendant as well as the Victim 19:453
Implied Consent Statutes: What is Refusal? 9:423
Jurors' Comprehension and Assessment of Probabilistic Evidence 16:361
Lifting the Bridled Veil: Disclosure of Grand Jury Proceedings Under Rule 6(e) of the Federal Rules of Criminal Procedure 3:459
Litigating Head Trauma: The "Hidden" Evidence of Disability 12:239
Marital Communications After the Federal Rules of Evidence: New Privilege Interpretations of the Constitution 1:137
Mastering Trial Objections: The Spin Control Method 20:591
Motions in Limine—Preserving Error on Appeal When a Party Loses a Motion *in Limine* 18:485
"Practical Inconvenience" or Conceptual Confusion: The Common-Law Genesis of Federal Rule of Evidence 703 20:467
Preventing Manufacturer Compelled Disclosure of Confidential Information Contained in Voluntarily Submitted Adverse Event Reports 19:265
Products Liability—Admissibility of State of the Art Evidence 3:594
Proof of Hospital-Performed Blood Alcohol Tests in Evidence 9:43
Props: An Overview of Demonstrative Evidence 13:1097
Prosecutorial Misconduct—Arguing Facts Not in Evidence 8:331
Proving the Defendant's Bad Character 11:477
Real and Demonstrative Evidence Away from Trial 17:509
Rules and Case Law Governing Videotape Depositions 12:87
Splitting the Baby on After-Acquired Evidence in Employment Discrimination Cases 19:241
Spoliation of Evidence: A New Rule of Evidence is the Better Solution 18:449
The Bell Tolls for Thee: But When? Legal Acceptance of "Brain Death" as a Criteria for Death 9:331
The Courts' Reaction to *Rock v. Arkansas*: The Admissibility of a Witnesses's Testimony After He Has Been Hypnotized 15:559
The Mental Probe Continued—Hypnosis and Witness Preparation 4:615
The Need for an Appropriate Standard for Admission of Expert Witness Testimony in Toxic Tort Cases 16:573
The Polygraph, Hypnosis, Truth Drugs and the Psychological Stress Evaluator: Admissibility in a Criminal Trial 4:593
The Taking and Use of Videotaped Depositions 16:151
The Use of Public Records and Reports as Trial Evidence Under the Federal Rules of Evidence 3:381
Trial by Lottery: The Misuse of Epidemiology and Statistics to Prove Causation in Drug and Chemical Litigation 12:19
United States v. Dotson: When Should Opinion Testimony as to the Truth and Veracity of a Witness Be Allowed? 12:497
United States v. Piccinonna: Admitting Polygraph Tests 13:863
Videotape Evidence at Trial 6:209

EXPERT TESTIMONY

A Guide to the Effective Use of Vocational Experts in Social Security Disability Hearings 9:237
A Review of the Admissibility of Novel Scientific Evidence 17:741
Alternative to Medical Testimony in Determining Vocational and Industrial Disability 6:443
Cross-Examination of the Medical Expert 3:239
Cross-Examining a Legal Auditor 20:91
Discovering Trial Consultant Work Product: A New Way to Borrow An Adversary's Wits? 17:581
Domestic Relations—The Use of Expert Testimony Concerning the "Battered Wife Syndrome" 8:505
Effective Cross-Examination of Multiple Defense Medical Experts 1:1
Evidence—Expert Testimony 2:378

Evidence—Expert Witness—American Bar Association's Disciplinary Rule 7-109c, Forbidding an Attorney from Paying or Acquiescing in Payment of Compensation to Expert Witness Contingent Upon Outcome of the Case, Does Not Violate the Fourteenth Amendment 1:197
Expert Testimony 17:399
Expert Testimony to Establish the Standard of Care in Medical Malpractice 2:213
Expert Witness Testimony and the Diminished Capacity Defense 20:381
Expert Witness Testimony in the John Hinckley Trial 6:153
Expert Witnesses: Crossroads of Law, Science, and Technology 2:291
Fundamentals of Disability Determination and Rehabilitation: A Higher Ground for the Applied Neurobehavioral Sciences 8:337
Henson v. State: Rape Trauma Syndrome Used by the Defendant as well as the Victim 19:453
It's Not Bad Law—It's Bad Science: Problems with Expert Testimony in Trial Proceedings 18:545
"Lights, Camera, Action": Presenting the Medical Expert in Trial 17:443
Lost Earnings and Income Tax: Cross-Examination of Plaintiff's Economist 4:289
Medical Malpractice—Necessity of Expert Testimony in Informed Consent Actions 4:824
"Practical Inconvenience" or Conceptual Confusion: The Common-Law Genesis of Federal Rule of Evidence 703 20:467
Presenting Expert Testimony 15:215
Prolegomenon to a Forensic Cultural Anthropology 16:391
Proof of Hospital-Performed Blood Alcohol Tests in Evidence 9:43
Qualifying the Medical Malpractice Expert: *Melville v. Southward* Liberalizes the Age-Old Standards 15:585
Railroad Litigation and the Human Factors Expert: Why the Plaintiff Missed the Train 4:621
Selecting and Using Expert Witnesses in Bad Faith Cases 19:561
The Cross-Examination of the Forensic Pathologist in Criminal Defense Cases 1:243
The Expert Witness and Source Credibility—The Communication Perspective 2:57
The Need for an Appropriate Standard for Admission of Expert Witness Testimony in Toxic Tort Cases 16:573
The Role of Experts in Securities Arbitrations 16:721
"X-Spurt" Witnesses 19:343

F

FAILURE TO WARN

Cipollone v. Liggett Group, Inc.: The Effect of the Federal Cigarette Labeling and Advertising Act on State Common Law Claims 16:477
Products Liability—California's Developing Definition of "Defect" in Failure to Warn Cases 3:596
Products Liability—Failure to Warn and State of the Art Defenses: Further Judicial Legislation in Consumer Protection? 6:515
Products Liability—Failure to Warn and the Knowledge Requirement in Products Liability 4:498
Selecting and Presenting a Failure to Diagnose Breast Cancer Case 20:253
Torts—No Liability for Contraceptive Manufacturer Who Warns Physician of Drug's Potential Dangers 5:559
Torts—Products Liability—Failure to Warn 5:221

FAMILY LAW

An Advocate's View of the Surrogate Mother Problem: Suggested Litigation Strategies 12:393
Bayliss v. Bayliss: Redefining Dependent Children 13:657
Changes in the Law Affecting Battered Women: Past, Present, and Future 3:45
Child Protection and Family Preservation—A Delicate Balance 17:669
Child Support and the Courts in the Year 2000 17:693
Defiance of Order to Obtain and Maintain Life Insurance for the Benefit of Minor Children: What Remedy after Death? 7:351
Family Law—Adoption 2:383
Family Law—Adoption Records 2:189
Family Law—Constitutionality of Juvenile Mental Health Commitment Procedures 3:579
Family Law—Custody 2:190
Family Law—Custody Suits—Religious Beliefs of Parents 4:209
Family Law—Division of Marital Property 2:188
Family Law—Divorce—Property Division 3:356
Family Law—Enforcement of Child Support 4:212
Family Law—Enforcing Agreements Between Unmarried Cohabitants 3:587
Family Law—Grandparents' Visitation Rights 3:589
Family Law—Marital Property 4:205

Family Law—Paternity 2:385
Family Law—Parent-Child Immunity 4:199
Family Law—Paternity Suits—Blood Tests 3:359
Family Law—Paternity Suits—Right to Appointed Counsel 3:358
Family Law—Property 2:387
Family Law—Property Settlements Between Unmarried Cohabitants 2:387
Family Law—Right of Adoptee to View Adoption Records 3:585
Family Law—Rights of Natural Father After Adoption of Children by Stepfather 4:216
Family Law—Rights of the Unwed Father 3:582
Family Law—Summary Divorce Statute 2:386
Family Law—Unwed Father's Right to Custody of Illegitimate Child 4:213
Family Law—Visitation Rights and Child Support 2:192
Family Law—Wife-Battering 2:386
Family Law—Wife's Resumption of Maiden Name 2:193
Reversal of a Trend? A Lost Hope for Parentally Funded Higher Education in *Jones v. Jones* 9:347
Scott v. Mershon: Disputing the Presumption of Legitimacy 14:627
State v. Williquette: Protecting Children From Abuse Through the Imposition of a Legal Duty 12:171
Trying Equitable Distribution Can Be Trying 5:225
Warren v. State: One Attempt to Modernize the Marital Rape Exemption 10:157

FAMILY MEDICAL LEAVE ACT

Employment Law—*Manuel v. Westlake Polymers Corp.*: Must an Employee Specifically Mention the Family Medical Leave Act When the Need for Protected Leave is Unforeseeable? 19:685

FEDERAL COURTS

Cipollone v. Liggett Group, Inc.: The Effect of the Federal Cigarette Labeling and Advertising Act on State Common Law Claims 16:477
Civil Procedure—Abstention 3:524
Civil Procedure—Mandamus and Venue 4:392
Civil Procedure—Relation Back in Removed Cases and Interlocutory Appeal 5:140
Civil Rights—Exhaustion of State Remedies Under Section 1983 5:357
Fair Debt Collection Practices Act: Confusion in Compliance and a Continuing Increase in Litigation 20:15
Federal Adjudication of Facts: The New Regime 12:437
Federal Preemption of Product Liability Law: Federalism and the Theory of Implied Preemption 15:435
Holmes v. Securities Investor Protection Corp.: The Supreme Court Restricts Civil RICO 16:447
Improving Federal Trial Advocacy 1:109
Improving Federal Trial Advocacy—II 2:83
Litigation Under the Federal Mine Safety and Health Act Today 16:305
Practices and Strategies for a Successful Appeal 16:617
State-Federal Jurisdiction: A De Facto Merger? 4:333
Statutes—Statutory Interpretation: Which Statute Applies When the Same Subject Is Covered by More Than One Statute? 7:425

FEDERAL RULES OF CIVIL PROCEDURE

An Up-Date on Rule 37 Sanctions After *National Hockey League v. Metropolitan Hockey Clubs, Inc.* 3:413
Civil Procedure—60(b) Motion After Notice of Appeal is Filed 3:533
Civil Procedure—Amount in Controversy—Removal 3:327
Civil Procedure—Right of Foreign Corporations to Bring Compulsory Counterclaims and Third Party Complaints 4:687
Civil Procedure—Rule 36 Request for Admission—Matters Not Admitted or Denied Within the Established Time Limitation Are Not Necessarily Admitted 1:334
Federal Civil Procedure—Class Actions—28 U.S.C.§ 1292(a)(1) Held to Be an Inappropriate Jurisdictional Predicate Upon Which to Base an Interlocutory Appeal After a Denial of Class Action Certification 1:376
Federal Rule 23 Class Actions--The State and Federal Alternatives 2:135
Interaction Between 26(b)(3) and 26(b)(4) of the Federal Rules of Civil Procedure: Conflict and Confusion in the Federal Courts 9:319
Production of Results Under Rule 34 5:253
Rule 11: What is Reasonable? What is Proper? 13:729

FEDERAL RULES OF EVIDENCE

A Review of the Admissibility of Novel Scientific Evidence 17:741
Evidence Rule 403 After *United States v. Old Chief* 20:563

Marital Communications After the Federal Rules of Evidence: New Privilege Interpretations of the Constitution 1:137
"Practical Inconvenience" or Conceptual Confusion: The Common-Law Genesis of Federal Rule of Evidence 703 20:467
The Exception for Great Hearsay: Some Concerned Comments 1:123
The Need for an Appropriate Standard for Admission of Expert Witness Testimony in Toxic Tort Cases 16:573

FEDERAL TORT CLAIMS ACT (FTCA)
The Discretionary Function: Variations of an Old Idea 11:355
Torts—Federal Tort Claims Act—Court Distinguishes Discretionary and Proprietary Functions in Tort Action Against the United States 6:365
Torts—Sum Certain Requirement Under the Federal Tort Claims Act 4:510

FEDERALISM
New Federalism and the Right to Remedy: More Than a Rational Relation 11:453

FIFTH AMENDMENT
Compensable "Takings"—And Why Not? An Analysis of the Fifth Amendment Just Compensation Clause and Police Power Regulatory "Takings" 10:365
Evidence—Fifth Amendment Privilege in Civil Cases 4:461
Evidence—Fifth Amendment Privilege in Criminal Cases 4:458
Rhode Island v. Innis: A Fifth Amendment Case with Sixth Amendment Implications 4:339
United States v. Doe: Fifth Amendment Protection from the Compulsory Production of Documents 8:293

FIRST AMENDMENT
Attorneys—Advertising—First Amendment Protects Truthful Newspaper Advertisement of Prices for Routine Legal Services 1:149
Constitutional Law—First Amendment—Newspersons' Privilege 5:161
Constitutional Law—First Amendment Protections Bow Before the Need to Develop Relevant Evidence 8:499
Constitutional Law—Freedom of Speech Versus Right to Privacy—Shopping Center Solicitation 4:717
Constitutional Law—Restraint of Picketing—Violative of Free Speech 8:501
Salesmen in the Dorms: A Look at *Board of Trustees of the State University of New York v. Fox* and the New Twist in Commercial Speech Cases 13:957
Student First Amendment Rights in the Public School Setting: A Topic of Increased Litigation 6:163
Students' First Amendment Rights: Gone With the Wind? 11:173
The First Amendment and Confidentiality Orders Since *Seattle Times v. Rhinehart* 13:681
Warrants—Search of Newspaper Premises 2:206
What Can the Defense Attorney Say at a "Preformal Charge" Press Conference? *Gentile v. State Bar of Nevada* Puts a Porous Gag on Trial Lawyers 15:269

FOOD & DRUG ADMINISTRATION
Medication Malpractice: Claims, Culprits and Defenses 16:65

FOURTEENTH AMENDMENT
Criminal Law—Plea Bargaining—Defendant's Fourteenth Amendment Due Process Rights Not Violated by Prosecutor's Obtaining Additional Indictment After Plea Agreement Refused 1:367
Evidence—Expert Witness—American Bar Association's Disciplinary Rule 7-109c, Forbidding an Attorney from Paying or Acquiescing in Payment of Compensation to Expert Witness Contingent Upon Outcome of the Case, Does Not Violate the Fourteenth Amendment 1:197

FOURTH AMENDMENT
Alabama v. White: The Constitutionality of Anonymous Telephone Tips in Support of "Reasonable Suspicion" and the Narrowing of Fourth Amendment Protections 14:605
The Inventory Exception to the Fourth Amendment Warrant Requirement: Why the Last in Should be the First Out—Or, Putting *Opperman* and *Bertine* in Their Place 12:273

FRANCHISE AGREEMENTS
Franchise Termination: An Analysis of the Implied Covenant of Good Faith in Franchise Agreements 12:325

FREE SPEECH
See FIRST AMENDMENT

***FRYE* STANDARD**
A Review of the Admissibility of Novel Scientific Evidence 17:741

Computer-Generated Exhibits—Demonstrative, Substantive, or Pedagogical—Their Place in Evidence 18:1
State v. Brown: The Admissibility of Hypnotically Refreshed Testimony in a Criminal Trial 18:231

G

GUARDIAN AD LITEM
Child Protection and Family Preservation—A Delicate Balance 17:669

H

HABEAS CORPUS
A Federal Habeas Corpus Primer 4:51
Criminal Law—Habeas Corpus 3:554

HEALTH CARE LAW
A Trial Lawyer's Guide to the Legal Implications of Recreational, Preventive & Rehabilitative Exercise Program Standards of Care 11:433
Austin v. McNamara and the Health Care Quality Improvement Act: From Speculation to Implementation 14:389
Health Law—Defamation of County Supported Hospital 5:388
Health Law—Preservation of Life—A Right to Be Born 5:383
Health Law—State Must Provide An Adequate Facility for Mentally Retarded 5:393
Health Law—The Health Insurance Portability and Accountability Act: Favorable Tax Treatment for Medical Savings Accounts 20:457
Silver v. Castle Memorial Hospital: The Doctor is Out! Judicial Review of Medical Staff Appointments 20:197

HEARSAY
Admissibility of Expert Testimony in Hearsay Form 5:277
Corroborated Hearsay and the Confrontation Clause 15:293
Evidentiary Failures: A Structural Theory of Evidence Applied to Hearsay Issues 18:353
Ex parte Snell: The Expanding Controversy of the Admissibility of Prior Statements 19:435
Hearsay Exceptions—The Dying Declaration: Return to its Original Application 19:481
Hearsay: Recognizing it and Handling the Objection 10:489
"Practical Inconvenience" or Conceptual Confusion: The Common-Law Genesis of Federal Rule of Evidence 703 20:467
The Exception for Great Hearsay: Some Concerned Comments 1:123
The Use of Public Records and Reports as Trial Evidence Under the Federal Rules of Evidence 3:381

HOMICIDE
Criminal Law—Homicide—Mere Act of Driving While Knowingly Intoxicated Does Not Provide the Requisite Malice for First Degree Murder Conviction in Vehicular Homicide 1:358

HYPNOSIS
Does Hypnosis Belong in the Legal Process? 12:125
Evidence—Admission of Testimony Obtained by Hypnosis 5:547
Evidence—Hypnotically Refreshed Testimony Ruled Inadmissible 5:549
Evidence—Post-Hypnotic Identifications 4:791
State v. Brown: The Admissibility of Hypnotically Refreshed Testimony in a Criminal Trial 18:231
The Courts' Reaction to *Rock v. Arkansas*: The Admissibility of a Witness's Testimony After He Has Been Hypnotized 15:559
The Mental Probe Continued—Hypnosis and Witness Preparation 4:615
The Polygraph, Hypnosis, Truth Drugs and the Psychological Stress Evaluator: Admissibility in a Criminal Trial 4:593

I

IMMIGRATION LAW
"You Won't Be Deported . . . Trust Me!" Ineffective Assistance of Counsel and the Duty to Advise Alien Defendants of the Immigration Consequences of Guilty Pleas 19:653

IMMUNITY
Agent Orange Revisited: Alternatives to Litigation 6:323
Civil Rights—Immunity of Municipal Corporations 4:407
Civil Rights—Pleading a Qualified Immunity 4:411
Civil Rights—Prosecutorial Immunity Under Section 1983 5:361
Civil Rights—Qualified Immunity in § 1983 Civil Rights Actions 4:142
Civil Rights—Statutory Immunity of Officials and Federal Liability for Release of Dangerous Parolee 4:404

Evidence—"Use Immunity" for Testimony Given at Probation Revocation Hearings 6:353
Family Law—Family Immunity Doctrine 4:484
Family Law—Interspousal Tort Immunity 4:475
Family Law—Parent-Child Immunity 4:199
From "Tumble-Down Houses" to Safe Housing: The Decline of Tort Immunity for Landlords 12:343
Goddard v. Urrea—Another Crack in the Shield of Qualified Immunity in Section 1983 Actions Against Government Officials? 12:533
Government Contractor Defense—Absolute Immunity for the Product Maker 12:1
Guercio v. Brody: Absolute Judicial Immunity—No Shield for Wrongful Employment Practices 11:543
Immunities Available in Alabama for Cities, Counties, Public Corporations and Other Governmental Entities, and Their Officials 13:615
Immunity—Public Officials—Individual Members of Board of Pardons and Paroles Liable for Negligent Discretionary Acts 1:380
Interspousal Immunity and Domestic Torts: A New Twist on the "War of the Roses" 15:625
Municipal Immunity 5:115
Sovereign Immunity: The King Can Do No Wrong 8:471
The Confounding Prong of the *Harlow v. Fitzgerald* Qualified Immunity Test: When is a Constitutional Right Clearly Established? 17:797
The Discretionary Function: Variations of an Old Idea 11:355
Torts—Governmental Immunity 5:218
Torts—Interspousal Immunity 5:216
Torts—Parental Immunity 5:212
United States Immunity at Flood Control Projects From Claims for Injuries 11:417
Workers' Compensation—Refusal to Extend Immunity from Common Law Tort Action to Corporate Conglomerate 4:240

IMPEACHMENT

Demeanor Impeachment: Law and Tactics 9:183
Evidence—Impeachment—Pretrial Hearing Silence 2:379
Evidence—Impeachment by Prearrest Silence 4:778
Evidence—Impeachment by a Prior Conviction 2:380
Evidence—Impeachment Via Prospective Plea Agreement 5:205
Evidence—Use of Illegally Seized Evidence for Impeachment Purposes 4:782
Federal Preemption of Product Liability Law: Federalism and the Theory of Implied Impeachment 15:435
Understanding Impeachment 15:483

INCOME TAX

See TAXATION

INEFFECTIVE ASSISTANCE OF COUNSEL

Attorneys—Criminal Law Standard a Criminal Lawyer Must Meet in Order to Prove Ineffective Representation of Counsel 7:177
Civil Rights—Appointment of Counsel 5:144
Criminal Procedure—Effective Assistance of Counsel 3:139
Criminal Procedure—Right to Counsel and Student Practice Rules 2:372
Criminal Procedure—Right to Counsel and Trial By Jury 3:142
"Ratting" 17:49
"You Won't Be Deported . . . Trust Me!" Ineffective Assistance of Counsel and the Duty to Advise Alien Defendants of the Immigration Consequences of Guilty Pleas 19:653

INSANITY

Criminal Law—Insanity as a Defense 3:343
Evidence—*Cooper v. Oklahoma*: Standard of Proof in Competency Hearings 20:223
Ford v. Wainwright: Insanity of the Death Row Inmate—A Second Chance? 11:311

INSURANCE LAW

Americans with Disabilities Act: Impact Upon Workers' Compensation—Friend or Foe? A Primer for the Corporate Insurance Department and Outside Counsel 17:637
An Attorney's Guide for Purchasing Professional Liability Insurance and Practicing Within the Coverages 3:13
Civil Rights—Redlining Practices of Insurance Companies Violative of Title VIII of the Civil Rights Act of 1968 3:541
Conflicts of Interest Between Insurer and Insured: Ethical Traps for the Unsuspecting Defense Counsel 17:101
Contracts—Insurance Clauses 4:430
Contractual Privity as an Element of Bad Faith Failure to Settle: Will Alabama Recognize an Excess Insurance Carrier's Standing to Sue a Primary Insurance Carrier? 18:467
Defiance of Order to Obtain and Maintain Life Insurance for the Benefit of Minor Children: What Remedy after Death? 7:351

Health Law—The Health Insurance Portability and Accountability Act: Favorable Tax Treatment for Medical Savings Accounts 20:457
How to Tame the Insurance Cycle and Make the Legal System More Efficient 10:299
Insurance—Bad Faith and First Party Extra-contractual Damages 5:497
Insurance Law—Insurers Suffer Defeat in Environmental Claims: Alabama Rejects Pro-insurer Interpretation of Pollution Exclusion Clause 20:673
L&S Roofing Supply Co. v. St. Paul Fire & Marine Insurance Co.: Conflict of Interest in Reservation of Rights Situations 12:367
"Lose If I Do, Lose If I Don't" Toxic Loans and the Lender's Search for a Crystalline Guide to Commercial Lending 15:365
Malpractice—Mandatory Malpractice Insurance 2:201
Pacific Mutual Life Insurance Co. v. Haslip [Supreme Court Brief] 15:105
Prejudice as a Requirement for Evaluating the Effects of Delayed Notice on a Liability Insurer 15:181
Recoverability of Corporate Counsel Fees in Insurance Coverage Disputes 20:1
Selecting and Using Expert Witnesses in Bad Faith Cases 19:561
Squelching First Party Bad Faith Breach of an Insurance Contract: *Aetna v. Lavoie*, An Opportunity Lost 9:439
The Right to Jury Trial in ERISA Civil Enforcement Actions 15:157
Torts—Comparative Negligence—Florida Limits the Doctrine of Set-off to Cases Where Neither Party is Injured or Where the Liability Exceeds the Insurance Coverage 1:205
Torts—Federal Court Holds that Insurance May Cover Vicarious Punitive Damages Under Florida Law 5:563
Torts—Insurance Coverage of Punitive Damages 5:558
Torts—Intentional Acts May Be "Accidents" Within Coverage of an Automobile Insurance Policy 6:358
Unemployment Compensation—Good Cause for Voluntary Termination of Employment for Unemployment Insurance Purposes, an Extension of Domestic Necessity Rights for Cohabitants 6:525

INTELLECTUAL PROPERTY

Intellectual Property—Copyright Licensing Agreements: In Contemplation of Future Technology 19:485

INTERNATIONAL LAW

Dismissing the Warsaw Defense in International Aviation Litigation 1:283
Litigation in the Court of International Trade 17:719
RJR-MacDonald Inc. v. Attorney-General of Canada: The Quebec Court of Appeal Upholds the Tobacco Products Control Act 16:785
Tobacco Advertising, Public Welfare, and Commercial Free Speech: Some Comparative Insights From the Canadian Experience 16:497

INTERROGATORIES

See DISCOVERY, PRETRIAL PROCEDURE

J

JOINT AND SEVERAL LIABILITY

Should Joint and Several Liability of Multiple Tortfeasors be Abolished? 10:193

JUDGMENTS

Civil Procedure—Appeals—Finality Doctrine 3:324
Civil Procedure—Final Judgments on Individual Claims in Multiclaim Actions 4:690
Civil Procedure—Stay of Execution of Judgment Granted Without Supersedeas Bond 5:352
Medical Malpractice—Periodic Payment of Medical Malpractice Judgments: A Continuous Rip-Off 7:191
Pre-judgment Remedies: A Proposed Federal Remedy Statute and Related Proposed Amendment to Federal Rule of Civil Procedure 64 11:219
Representing the Judgment Creditor 16:1

JUDICIAL REFORM

Adoption of Comparative Negligence in Alabama: A Needed Judicial Reform 14:529

JUDICIARY

1992 Year-End Report on the Federal Judiciary 16:609
1993 Year-End Report on the Federal Judiciary 17:571
1994 Year-End Report on the Federal Judiciary 18:499
1995 Year-End Report on the Federal Judiciary 19:491
Annual Report on the State of the Judiciary 1:215
Annual Report on the State of the Judiciary 3:63

Judicial Involvement in Pre-Trial Settlement: A Judge is Not a Bump on a Log 6:27
Rule 65 and Judicial Abuse of Power: A Modest Proposal for Reform 19:87
Should Judges Grease the Slow Wheels of Justice? A Survey on the Effectiveness of Judicial Mediary Techniques 8:83
The Voting Rights Act and the Election of Judges: Analysis and Comment 14:1
Two Juries/One Trial: Judicial Economy or Murphy's Law? 5:285

JURIES
An Active Jury: Should Courts Encourage Jurors to Participate in the Questioning Process? 16:109
Articulation of Non-Race Based Reasons for Peremptory Challenges After *Batson v. Kentucky* 17:245
Batson and Groups Other Than Blacks: A Strict Scrutiny Analysis 11:377
Can Juries Cope with Multi-Month Trials? 3:449
Constitutional Law—The Propriety of the Trial Court's Inquiry into the Jury's Numerical Division 6:191
Criminal Law—Juries 3:557
Criminal Law—Juries—Presence of Alternate Juror in Jury Room During Deliberations Does Not Constitute Reversible Error 1:363
Criminal Law—Jury Nullification: The Inchoate Power 20:451
Criminal Law—Peremptory Challenges 3:562
Criminal Procedure—Peremptory Challenge and the Burden of Proof to Show a Violation of Equal Protection and Due Process 7:639
Evidence—Jurors' Use of Transcript as Aid in Understanding Videotaped Testimony 3:353
Have Juries Gone to the Movies?—The Use of Videotape in the Courtroom 12:141
Impressions of a Not-So-Average Juror 7:141
Is the Jury Listening? 13:851
Joint Trials, Spillover Prejudice, and the Ineffectiveness of a Bar Limiting Instruction 9:21
Jurors—Consanguineous Relationship Between Juror and Law Enforcement Official Not Grounds for Disqualification 7:647
Jurors' Comprehension and Assessment of Probabilistic Evidence 16:361
Jury Research: Reading the Road Map of Jury Thinking 16:795
Jury Trials—Weight of Opinion of Juror with Knowledge of Crime 7:189
Litigating the State Action Issue in Peremptory Challenge Cases 13:573
Logic and the Common Law Trial 18:151
"Mirror, Mirror on the Wall . . .": Body Language, Intuition, and the Art of Jury Selection 17:197
Speaking the Truth: Voir Dire in the Capital Case 3:199
Suggestions for Enriching the Teaching of Trial Advocacy 16:193
The Erie Doctrine and Nonunanimous Civil Jury Verdicts 4:665
The Renaissance in American Trial Advocacy Literature: The Next Step 16:175
The Scope of Voir Dire in Civil Cases: An Alabama Perspective 9:279
Thomas v. Diversified Contractors: Everything the Civil Practitioner Wants to Know About *Batson* but is Afraid to Ask 13:925
Two Juries/One Trial: Judicial Economy or Murphy's Law? 5:285
Voir Dire: A Trial Technique in Transition 4:523

JURISDICTION
Admiralty—Vessels Without a Nationality Are Subject to United States Jurisdiction 8:335
Civil Procedure—Citizenship for Diversity Jurisdiction 4:131
Civil Procedure—Due Process 2:351
Civil Procedure—Due Process—Minimum Contacts—The Limits of Long-Arm Statutes 6:503
Civil Procedure—Due Process Limit on Long-Arm Statutes 4:126
Civil Procedure—Fifth Circuit Rules on Length of Texas Long-Arm Statute 5:524
Civil Procedure—In Personam Jurisdiction 5:133
Civil Procedure—In Personam Jurisdiction—Minimum Contacts 4:693
Civil Procedure—Jurisdiction 2:353
Civil Procedure—Jurisdiction—Due Process Requires That Quasi In Rem and In Rem Jurisdiction Rest Upon "Minimum Contacts" Standard of International Shoe Decision 1:325
Civil Procedure—Pendent Jurisdiction 3:527
Civil Procedure—Quasi In Rem 4:129
Civil Procedure—Statutory Jurisdiction 3:530
Civil Procedure—The Balancing Test of Forum Non Conveniens Upheld 5:517
Defendant's Absence from State: When the Defendant Leaves Town Does He Take the Statute with Him? 8:183
Extra-Territorial Jurisdiction in Domestic Relations Case 7:469
State Court Jurisdiction After *Shaffer v. Heitner* 2:95
State-Federal Jurisdiction: A De Facto Merger? 4:333

Wading Through the Procedural Marshes of Original Jurisdiction Guided by the Tidelands Cases: A Trial Before the United States Supreme Court 11:65

JURY INSTRUCTIONS

Criminal Law—Jury Instruction Regarding Concurrent Sentences 3:347
Criminal Law—Jury Instructions 3:548
Criminal Law—*State v. Jackson*: Defining "Beyond a Reasonable Doubt" 20:435
Criminal Law and Procedure—Jury Instructions 4:156
Evidence—Jury Instructions—Plain Error Rule 2:377
Exploring the Frontiers of *Batson v. Kentucky*: Should the Safeguards of Equal Protection Extend to Gender? 14:289
Instructing the Jury on the Taxability of Their Awards—But First, How Are They Taxed? 9:299
Joint Trials, Spillover Prejudice, and the Ineffectiveness of a Bar Limiting Instruction 9:21
Klawonn v. Mitchell: Does a Refusal to Instruct a Jury that Wrongful Death Damages are Excluded from Income Taxation Make the Jury's Task Simpler or More Difficult? 19:211
Rogers v. Meridian Park Hospital: The Demise of the "Error in Judgment/Honest Mistake" Jury Instruction in American Medical Malpractice Trials 14:221

JURY NULLIFICATION

Criminal Law—Jury Nullification: The Inchoate Power 20:451
Criminal Law and Procedure—Sentencing for Rape Convictions—Unbridled Jury Discretion in Imposing a Life Sentence on Convicted Rapist is Unconstitutional 4:178

JURY SELECTION

Criminal Law—Death Penalty Must be Reduced to Life Imprisonment if a Single Venireman Has Been Erroneously Excluded Under the Witherspoon Test for Conscientious Objection to Capital Punishment 1:177
Criminal Law—Peremptory Challenges 3:562
Exploring and Expanding Voir Dire Boundaries: A Note to Judges and Trial Lawyers 20:645
Jury Selection: An Empirical Investigation of Demographic Bias 19:285
Litigating the State Action Issue in Peremptory Challenge Cases 13:573
"Mirror, Mirror on the Wall . . .": Body Language, Intuition, and the Art of Jury Selection 17:197
Speaking the Truth: Voir Dire in the Capital Case 3:199
The Scope of Voir Dire in Civil Cases: An Alabama Perspective 9:279
Thomas v. Diversified Contractors: Everything the Civil Practitioner Wants to Know About *Batson* but is Afraid to Ask 13:925
Voir Dire: A Trial Technique in Transition 4:523

JURY TRIAL

Criminal Procedure—Right to Counsel and Trial By Jury 3:142
Joint Trials, Spillover Prejudice, and the Ineffectiveness of a Bar Limiting Instruction 9:21
Jury Trials—Weight of Opinion of Juror with Knowledge of Crime 7:189
The Right to Jury Trial in ERISA Civil Enforcement Actions 15:157
The Right to Trial by Jury 4:65

JUVENILE

Advocate or Sociologist—What is the Role of the Defense Attorney in Juvenile Court? 1:311
Crime & Punishment in Public Schools: An Empirical Study of Disciplinary Proceedings 17:351
Family Law—Constitutionality of Juvenile Mental Health Commitment Procedures 3:579
Juvenile Rights 3:152
State v. Shaw: The Status of Juvenile Executions 10:171

L

LABOR LAW

Employees Covered by a Collective Bargaining Agreement: Are They Entitled to the Common-Law Tort Action for Retaliatory Discharge for Pursuing Workmen's Compensation Rights? 9:459
Employer-Employee Relations—Employee Right to Union Representation at Disciplinary Hearing 4:186
Employer-Employee Relations—Organizing Private, Non-Profit University Faculties 4:182
Labor Law—Plant Closings as a Subject of Mandatory Bargaining 4:800
Labor Law—Political Patronage Dismissals 4:795

The Present Trend Toward a Good Faith Exception to the Employment At-Will Doctrine 13:715

LANDLORD-TENANT
Clemmons v. Fidler: Is Man's Best Friend a Landlord's Worst Enemy? 19:197
Frances T. v. Village Green Owners Association: Extending Landlord-Tenant Standard of Care to Condominiums 11:337
From "Tumble-Down Houses" to Safe Housing: The Decline of Tort Immunity for Landlords 12:343
Landlord-Tenant—Alabama Supreme Court Declares Exculpatory Clauses in Residential Leases Void as Against Public Policy Where Not "Bargained For" 7:649
Landlord-Tenant—Exculpatory Clauses in Leases 2:197
Landlord-Tenant—Implied Warranty of Habitability 2:195
Landlord-Tenant—Landlord's Duty to Provide Reasonable Security Against Foreseeable Criminal Activity 4:809
Landlord-Tenant—Landlord's Tort Liability for Dangerous Conditions on the Premises 4:813
Torts—Criminal Assault by Third Parties—"Fairness" Test Used to Hold Premises Owner/Lessor Liable Following Repeated Assaults on the Premises 1:207
Torts—Landlord's Liability for Injuries Caused by Tenant's Animals 7:423

LEASES
Extending the Article 2 Warranties to Commercial Leases 11:301
Landlord-Tenant—Alabama Supreme Court Declares Exculpatory Clauses in Residential Leases Void as Against Public Policy Where Not "Bargained For" 7:649
Landlord-Tenant—Exculpatory Clauses in Leases 2:197

LEGAL ANALYSIS
Reflecting a King's Wisdom: Bridge-Building and Legal Analysis 13:1141

LEGAL EDUCATION
Misdemeanor Prosecution Practicum: A Clinical Experience 8:219

LEGAL ETHICS
See PROFESSIONAL RESPONSIBILITY

LEGAL MALPRACTICE
See MALPRACTICE

LEGAL REFORM
How to Tame the Insurance Cycle and Make the Legal System More Efficient 10:299
The Politics of Medical Malpractice Reforms: Governmental Responses to Affected Groups 10:257
Tort Reform and the Constitution 10:287

LEGAL SERVICES
Report on Planning and Budgeting of Legal Services for Corporations By Outside Counsel 18:429

LENDER LIABILITY
"Lose If I Do, Lose If I Don't" Toxic Loans and the Lender's Search for a Crystalline Guide to Commercial Lending 15:365

LIABILITY
A Basic Approach to Accountants' Liability 4:299
Accountants' Liability to Third Parties for Negligent Misrepresentation: Should There be a Uniform Standard? 14:133
Alabama's Extended Manufacturer's Liability Doctrine 13:983
"Am I My Brother's Keeper?": *Cornpropst v. Sloan*, A Business Proprietor's Civil Liability for Criminal Attacks to an Invitee by a Third Party 9:473
An Update on the Liability Crisis: Tort Policy Working Group 10:213
Ascending Liability of Religious Entities for the Actions of Others 17:289
"At the Ol' Ball Game" and Beyond: Spectators and the Potential for Liability 14:497
Attorneys—Malpractice—Liability for Negligent Advice Does Not Extend to Third Persons With Whom Clients Deal at Arm's Length 1:153
Attorneys—Malpractice Liability of the Public Defender 4:116
Civil Rights—Statutory Immunity of Officials and Federal Liability for Release of Dangerous Parolee 4:404
Civil Rights—The "Special Relationship" Doctrine as a Basis for School District Liability Under 42 U.S.C. § 1983 20:463
Corporations—Successor Corporations and Their Liability in Personal Injury Cases 7:411
Criminal Law—No Criminal Liability Incurred When Spouse Failed to Summon Medical Aid 5:538
Daly v. General Motors, Corp.: Comparative Negligence as a Defense to Strict Liability 17:555
Defenses in Strict Tort Liability 5:485

Employment Law—Debating Individual Liability Under Title VII of the Civil Rights Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act 19:677
Finance Lessor Liability Under Section 402A Restatement (Second) of Torts 7:155
Fore! Liability to Spectators at Golf Tournaments 13:1207
Landlord-Tenant—Landlord's Tort Liability for Dangerous Conditions on the Premises 4:813
Lee v. Kiku Restaurant: Allocation of Fault Between an Alcohol Vendor and a Patron—What Could Happen After Providing "One More for the Road" 17:269
Liquor Liability in Alabama 13:825
Medical Liability—Lay Midwives: Midwifery and the Practice of Medicine 19:233
Medical Malpractice—Liability of Consulting Physician for Erroneous Review of Malpractice Claims 4:820
Negligent Hiring: Employer's Liability for Acts of an Employee 7:603
Pamela B. v. Hayden: Apportioning Liability Based Upon One's Fault Rather Than One's Pocketbook 18:701
Policy, Custom, or Practice: The Contours of Proof of Section 1983 Municipal Liability 10:477
Premises Liability—Bank Liability for Crimes Committed at ATMs 18:717
Prisoners—Liability for the Medical Bills of a City Prisoner 7:195
Professional and Occupational Malpractice—Hospital Liability for Negligent Tissue Coding 5:399
Professional and Occupational Malpractice—Hospital's Liability for Credentials Committee's Failure to Check Applicant's Qualifications 5:402
Psychiatrists and Hospitals: Liability for Patients' Self Inflicted Injuries 5:1
Social Host Liability: "The Host With the Most" May Soon Have the Least 15:197
Soldano v. O'Daniels: A Reformation of the Common Law Rule of Non-Liability for Nonfeasance 8:159
Torts—Contributory or Comparative Negligence as a Full or Partial Defense to a Strict Liability Action 7:200
Torts—Emergency Vehicle Liability 4:506
Torts—Landlord's Liability for Injuries Caused by Tenant's Animals 7:423
Torts—Physicians' Liability for Wrongful Disclosure 6:201

LIBEL
See DEFAMATION

LIQUOR LIABILITY
Liquor Liability in Alabama 13:825

LITIGATION
Agent Orange Revisited: Alternatives to Litigation 6:323
Jury Research: Reading the Road Map of Jury Thinking 16:795
Litigating the Admissibility of Co-conspirators' Statements: A Defense Attorney's Perspective 18:325
Litigation Under the Federal Mine Safety and Health Act Today 16:305
Lujan v. Defenders of Wildlife: Where Does the Standing Issue Stand in Environmental Litigation? 16:761
Preparing the Case Before We Initiate Litigation: What We Need Is a Plan 18:509
The Renaissance in American Trial Advocacy Literature: The Next Step 16:175

LITIGATION GROUPS
The Development of Litigation Groups 6:1

LOGIC
Logic and the Common Law Trial 18:151

LOSS OF CONSORTIUM
Domestic Law—Minors Denied Recovery for Loss of Parental Consortium 5:544
Torts—Loss of Consortium Claims 4:220
Villareal v. State Department of Transportation: Children's Right to Recovery for Loss of Parental Consortium 14:409

M

MALICIOUS PROSECUTION
Attorneys—Malicious Prosecution 4:381
Torts—Proof of Damages in Malicious Prosecution Actions 4:508

MALPRACTICE
A Basic Approach to Accountants' Liability 4:299
A Medical Malpractice Trial: Successful Techniques Presented and Analyzed 11:1
Attorneys—Malpractice—Liability for Negligent Advice Does Not Extend to Third Persons With Whom Clients Deal at Arm's Length 1:153
Attorneys—Malpractice Liability of the Public Defender 4:116
Bystander Emotional Distress Claims in Medical Malpractice Actions 15:605
Clergy Malpractice After *Nally v. Grace Community Church of the Valley* 12:381

Expert Testimony to Establish the Standard of Care in Medical Malpractice 2:213
"Fixing" the Standard of Care: Motivated Athletes and Medical Malpractice 12:215
Jackson v. Bumgardner: A Healthy Newborn—A Blessing or a Curse? 12:153
Malpractice—Administrative Panels 2:199
Malpractice—Good Samaritan Statute 2:202
Malpractice—Mandatory Malpractice Insurance 2:201
Malpractice—Mediation Panels 2:391
Medical Malpractice—Arbitration and Mediation Panels 3:361
Medical Malpractice—Constitutionality of Statutory Mediation Panels 4:816
Medical Malpractice—"Discovery Rule" Rejected in Wrongful Birth or Wrongful Life Actions Arising from Negligent Sterilization Operations 6:511
Medical Malpractice—Liability of Consulting Physician for Erroneous Review of Malpractice Claims 4:820
Medical Malpractice—Necessity of Expert Testimony in Informed Consent Actions 4:824
Medical Malpractice—Periodic Payment of Medical Malpractice Judgments: A Continuous Rip-Off 7:191
Medical Malpractice—Physician's Duty to Third Parties Who Are Not Patients 7:421
Medical Malpractice—Statute of Limitations 3:365
Medical Malpractice: The Service Patient—A Case Study in the Cross-Examination of Multiple Medical Defendants 1:251
Medical Malpractice and Alternative Dispute Resolution 10:345
Medical Malpractice in Abortion Cases 3:259
Medication Malpractice: Claims, Culprits and Defenses 16:65
Negligence—Medical Malpractice—Parents May Recover Against Physician for Mental Anguish Sustained When the Mother Gives Birth to a Deformed Child 1:387
Practical Tips in Handling a Legal Malpractice Case: Complaint Through Trial 9:381
Professional and Occupational Malpractice—Attorney Malpractice: The Medical Profession Returns Suit 5:410
Professional and Occupational Malpractice—Educational Malpractice: The Unrecognized Tort 5:406
Professional and Occupational Malpractice—Hospital Liability for Negligent Tissue Coding 5:399
Professional and Occupational Malpractice—Hospital's Liability for Credentials Committee's Failure to Check Applicant's Qualifications 5:402
Psychiatrists and Hospitals: Liability for Patients' Self Inflicted Injuries 5:1
Qualifying the Medical Malpractice Expert: *Melville v. Southward* Liberalizes the Age-Old Standards 15:585
Rogers v. Meridian Park Hospital: The Demise of the "Error in Judgment/Honest Mistake" Jury Instruction in American Medical Malpractice Trials 14:221
The Classic Case of Medical Mismanagement: Litigation of the Failure to Diagnose Malignant Disease Cases 7:217
The Loss of a Chance Theory in Medical Malpractice Cases: An Overview 13:1163
The Politics of Medical Malpractice Reforms: Governmental Responses to Affected Groups 10:257
The Rising Tide of Legal Malpractice: Spitting into the Wind? 4:637
Torts—Doctor Held to be an Intervening Proximate Cause in Flue Vaccine Related Injury 5:561
Torts—Legal Malpractice: No Privity Required 18:491
Torts—Medical Malpractice: What Standard to Apply to a Specialist 19:227
Torts—Ohio Allows Malpractice Claims Against Accountants by Third Parties Without Privity 6:361
Torts—Physicians' Liability for Wrongful Disclosure 6:201
Triennium of Dental Litigation 5:435
Why Psychiatrist-Patient Sex is Medical Malpractice: The Mishandling of the Transference Phenomenon 13:747

MARITIME LAW

See ADMIRALTY

MASTER AND SERVANT

Master and Servant—Common Law Rights of "Fair Procedure"—Resident Physician Dismissed from Private Hospital Is Entitled to Adequate Notice of Charges and Reasonable Opportunity to Respond 1:383
Master and Servant—Employee's Right to Safe Working Conditions Requires Employer to Ban Cigarette Smoking in Work Area 1:201
Master and Servant—Employment Manual Ruled Implied Contract 8:329

MEDIATION

See ALTERNATIVE DISPUTE RESOLUTION

MEDICAL EXPERT

Cross-Examination of the Medical Expert 3:239

Effective Cross-Examination of Multiple Defense Medical Experts 1:1
"Lights, Camera, Action": Presenting the Medical Expert in Trial 17:443
The Cross-Examination of the Forensic Pathologist in Criminal Defense Cases 1:243

MEDICAL JURISPRUDENCE
Fundamentals of Disability Determination and Rehabilitation: A Higher Ground for the Applied Neurobehavioral Sciences 8:337
Wonderful Life—A Tort Whose Time Has Come 2:107

MEDICAL LIABILITY
An Overview of Litigation Concerning Products Liability and Medical Devices 5:309
Health Law—Defamation of County Supported Hospital 5:388
Medical Malpractice in Abortion Cases 3:259
Medication Malpractice: Claims, Culprits and Defenses 16:65
Psychiatrists and Hospitals: Liability for Patients' Self Inflicted Injuries 5:1
Selecting and Presenting a Failure to Diagnose Breast Cancer Case 20:253
Torts—Emergency Vehicle Liability 4:506
Torts—Medical Malpractice: What Standard to Apply to a Specialist 19:227
Torts—No Liability for Contraceptive Manufacturer Who Warns Physician of Drug's Potential Dangers 5:559
Torts—Physicians' Liability for Wrongful Disclosure 6:201
Triennium of Dental Litigation 5:435

MEDICAL MALPRACTICE
See MALPRACTICE

MENTAL HEALTH
Civil Rights—First Circuit Court of Appeals Holds that Complaint Alleging Mental Patient's Helplessness and Hospital's "Wanton Callousness" May Give Rise to Cause of Action Under 42 U.S.C. § 1983 1:165
Civil Rights—The Constitutional Right of Involuntarily Civilly Committed Mental Patient to Receive Treatment is Recognized 1:169
Family Law—Constitutionality of Juvenile Mental Health Commitment Procedures 3:579
Sterilization—Pennsylvania Holds Equity Courts Can Authorize Sterilization of Incompetents 6:521
Workers' Compensation—Compensation for Mental-Mental Claims 19:229

MIDWIFERY
Medical Liability—Lay Midwives: Midwifery and the Practice of Medicine 19:233

MILITARY LAW
The Military Claims Act: Remedy or Run Around? 14:305
"When Johnny Comes Marching Home Again": The Veterans' Reemployment Rights Act and Employer Obligations to Military Reservists 15:79

MIRANDA
Criminal Law—Private Security Personnel Not Required to Give Miranda Warnings 5:537
Criminal Law—Statements Made After Miranda Warnings But Before Explicitly Waiving Right to Counsel 3:348

MOTIONS
Innovative Pre-trial Motions in Criminal Defense 1:35
Motions in Limine—Preserving Error on Appeal When a Party Loses a Motion *in Limine* 18:485
Preserving Issues for Appeal: How to Make a Record at Trial 18:87

N

NATIONAL CHILD SUPPORT GUIDELINE COMMISSION
Child Support and the Courts in the Year 2000 17:693

NEGLIGENCE
Adoption of Comparative Negligence in Alabama: A Needed Judicial Reform 14:529
Clemmons v. Fidler: Is Man's Best Friend a Landlord's Worst Enemy? 19:197
Emotional Distress—Negligent Infliction of Emotional Distress: Repeal of the "Impact" Rule 7:185
Lee v. Kiku Restaurant: Allocation of Fault Between an Alcohol Vendor and a Patron—What Could Happen After Providing "One More for the Road" 17:269
Negligence—Is Violation of Swimming Pool Safety Regulations Negligence Per Se? 8:193
Negligence—Medical Malpractice—Parents May Recover Against Physician for Mental Anguish Sustained When the Mother Gives Birth to a Deformed Child 1:387
Negligent Hiring: Employer's Liability for Acts of an Employee 7:603
Selecting and Presenting a Failure to Diagnose Breast Cancer Case 20:253

Torts—Comparative Negligence—Florida Limits the Doctrine of Set-off to Cases Where Neither Party is Injured or Where the Liability Exceeds the Insurance Coverage 1:205
Torts—Contributory or Comparative Negligence as a Full or Partial Defense to a Strict Liability Action 7:200
Torts—Products Liability—A Negligence Action Should Be Allowed to Determine the Reasonableness of Marketing Schemes 1:396

NEGOTIATION
Negotiation as a Distinct Area of Specialization 9:377
Negotiation: Dispute Resolution as an Effective Alternative to Trial 6:481
Some Comments on Negotiation and Settlement 4:277
The Use of "Principled Negotiation" in Resolving Environmental Disputes 17:225

NUISANCE
Private Actions for Damages Resulting From an Environmental Public Nuisance: Overcoming the Barrier to Standing Posed By the "Special Injury" Rule 16:591
Torts—Private Nuisance Doctrine is Applicable to Interference with Property Owner's Solar Access 6:360

O

OBJECTIONS
Hearsay: Recognizing it and Handling the Objection 10:489
Mastering Trial Objections: The Spin Control Method 20:591
Objecting 16:213

OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA)
Employer-Employee Relations—OSHA 3:565
Promoting Occupational Safety and Health: The Preemptive Powers of the OSHA Hazard Communication Standard 15:395
Warrants—OSHA Inspections 2:204

OMNIBUS BUDGET RECONCILIATION ACT OF 1993
Child Support and the Courts in the Year 2000 17:693

OPENING STATEMENT
Acting Within the Law 8:115
Opening Statement: A Constitutional Right? 7:623
Storytelling in Opening Statements: Framing the Argumentation of the Trial 10:15
The Opening Statement as a Tool of Persuasion 2:261
The Opening Statement: Winning at the Outset 3:225

P

PARENTAL RIGHTS
See CHILD CUSTODY, DOMESTIC RELATIONS, FAMILY LAW

PATERNITY
Family Law—Paternity 2:385
Family Law—Paternity Suits—Blood Tests 3:359
Family Law—Paternity Suits—Right to Appointed Counsel 3:358

PENALTY
See CRIMINAL LAW, SENTENCING

PEREMPTORY CHALLENGES
Articulation of Non-Race Based Reasons for Peremptory Challenges After *Batson v. Kentucky* 17:245
Criminal Law—Peremptory Challenges 3:562
Criminal Procedure—Peremptory Challenges 3:128
Criminal Procedure—Peremptory Challenge and the Burden of Proof to Show a Violation of Equal Protection and Due Process 7:639
Litigating the State Action Issue in Peremptory Challenge Cases 13:573

PLEA BARGAINING
Criminal Law—Plea Bargaining 3:345
Criminal Law—Plea Bargaining—Defendant's Fourteenth Amendment Due Process Rights Not Violated by Prosecutor's Obtaining Additional Indictment After Plea Agreement Refused 1:367
Criminal Law—Plea Bargaining—Trial Judge's Discretion to Refuse to Accept Sentence Proposed in Prior Agreement 6:195
Evidence—Impeachment Via Prospective Plea Agreement 5:205
Marby v. Johnson: The Supreme Court Sees the Forest Through the Trees, Reverses Plea Bargain Decision 8:267

POLICE POWER
Compensable "Takings"—And Why Not? An Analysis of the Fifth Amendment Just Com-

pensation Clause and Police Power Regulatory "Takings" 10:365
Property—Ordinances Found Constitutional—Exercise of Police Power 4:836

POLYGRAPH TESTS
Evidence—Admissibility of Polygraph Evidence in Light of *Daubert v. Merrell Dow Pharmaceuticals, Inc.* 20:215
Evidence—Evidence of Polygraph Test and Testimony of Polygraph Held Inadmissible in Criminal Trial 5:554
Evidence—Polygraphs 4:191
The Polygraph, Hypnosis, Truth Drugs and the Psychological Stress Evaluator: Admissibility in a Criminal Trial 4:593
United States v. Piccinonna: Admitting Polygraph Tests 13:863

POST TRAUMATIC STRESS DISORDER
Avoiding Litigation Neurosis: A Practitioner's Guide to Defending Post Traumatic Stress Disorder Claims 20:29
Henson v. State: Rape Trauma Syndrome Used by the Defendant as Well as the Victim 19:453
Rape Trauma Syndrome: Toward Proper Use in the Criminal Trial Context 20:227

POWERS OF ATTORNEY
Planning Tools Available to the Elderly Client 19:599

PRACTICE OF LAW
Technical and Cost Considerations of Litigation Support Systems 4:309

PREEMPTION
Cipollone v. Liggett Group, Inc.: The Effect of the Federal Cigarette Labeling and Advertising Act on State Common Law Claims 16:477
Exclusion of Evidence—23 U.S.C. § 409: Evidentiary Bar for Railroad Crossing Evaluations 19:471
Federal Preemption of Product Liability Law: Federalism and the Theory of Implied Preemption 15:435
Products Liability—*Medtronic, Inc. v. Lohr*: Will a Pre-emption Defense Ever Get a Manufacturer Off the Hook? 20:439
Promoting Occupational Safety and Health: The Preemptive Powers of the OSHA Hazard Communication Standard 15:395
The Employee Retirement Income Security Act of 1974: An Overview of ERISA Preemption 17:529

PREMISES LIABILITY
"Am I My Brother's Keeper?": *Cornpropst v. Sloan*, A Business Proprietor's Civil Liability for Criminal Attacks to an Invitee by a Third Party 9:473
Clemmons v. Fidler: Is Man's Best Friend a Landlord's Worst Enemy? 19:197
Landlord-Tenant—Landlord's Tort Liability for Dangerous Conditions on the Premises 4:813
Pamela B. v. Hayden: Apportioning Liability Based Upon One's Fault Rather Than One's Pocketbook 18:701
Premises Liability—Bank Liability for Crimes Committed at ATMs 18:717
Social Host Liability: "The Host With the Most" May Soon Have the Least 15:197
Torts—Criminal Assault by Third Parties—"Fairness" Test Used to Hold Premises Owner/Lessor Liable Following Repeated Assaults on the Premises 1:207

PRETRIAL PROCEDURE
Breach of Warranty and Strict Liability—A Unified Approach to the Preparation and Trial of a Product Liability Case 3:29
Civil Procedure—Court Requires Deponent to Answer Question Despite Claim of "Academic Freedom Privilege" 5:519
Civil Procedure—Rule 36 Request for Admission—Matters Not Admitted or Denied Within the Established Time Limitation Are Not Necessarily Admitted 1:334
Civil Rights—First Circuit Court of Appeals Holds that Complaint Alleging Mental Patient's Helplessness and Hospital's "Wanton Callousness" May Give Rise to Cause of Action Under 42 U.S.C. § 1983 1:165
Comments on Defense Planning and Preparation in Products Liability Actions 2:1
Deposition Preparation: A Methodological Approach 8:241
Deposition Strategy and Tactics 5:231
Discovery in Product Liability Cases 6:241
Discovery in Products Liability Cases: The Plaintiff's Plea for Judicial Understanding 12:413
Discovery of Litigation Support Systems: The Invasion and Protection of the Front Lines 3:165
Guide for Deponent Preparation: Rules of the Game 14:97
Interaction Between 26(b)(3) and 26(b)(4) of the Federal Rules of Civil Procedure: Conflict and Confusion in the Federal Courts 9:319
Medical Malpractice—"Discovery Rule" Rejected in Wrongful Birth or Wrongful Life

Actions Arising from Negligent Sterilization Operations 6:511
Motions to Enforce Settlements: An Important Procedural Tool 8:1
Overintrusive Surveillance of Plaintiffs in Personal Injury Cases 9:1
Pre-Trial Motions 5:15
Preparation of the Plaintiff's Products Liability Case 6:369
Pretrial Considerations and Trial Tactics in *Marvin*-Type Litigation 4:1
Preventing Manufacturer Compelled Disclosure of Confidential Information Contained in Voluntarily Submitted Adverse Event Reports 19:265
Production of Results Under Rule 34 5:253
Protective Orders: Sword and Shield in the War of Discovery 12:483
Representing the Judgment Creditor 16:1
Rules and Case Law Governing Videotape Depositions 12:87
The Preparation of Interrogatories and Production Requests in Automobile Product Liability Actions 1:269
The Purpose, Planning, and Use of Depositions in Contested Child Custody Litigation 1:75
The Taking and Use of Videotaped Depositions 16:151
United States v. Doe: Fifth Amendment Protection from the Compulsory Production of Documents 8:293

PRISONERS
Prisoners—Liability for the Medical Bills of a City Prisoner 7:195

PRIVACY
Constitutional Law—Freedom of Speech Versus Right to Privacy—Shopping Center Solicitation 4:717
Constitutional Law—The Right to Privacy and Freedom of Association 5:171
Criminal Law and Procedure—Search and Seizure—Privacy Expectations of Non-Owner Automobile Occupants During Warrantless Search 4:168
Cruzan v. Director, Missouri Department of Health and the Right to Die: Where Should the Line Be Drawn? 14:645
The Urgency Syndrome: The Government's Compelling Need to Administer Urinalysis Tests to Public Employees: *Jones v. McKenzie* 10:545
Urinalysis Drug Tests: Do They Make the Grade? 11:491

PRIVILEGES
Attorneys—Privity and the Attorney-Client Relationship 7:401
Attorneys—Prosecutorial Testimony in Grand Jury Hearings 4:113
Discovering Trial Consultant Work Product: A New Way to Borrow An Adversary's Wits? 17:581
Evidence—Application of the Marital Privilege in Federal Court 6:199
Evidence—Attorney-Client Privilege 3:354
Evidence—Attorney-Client Privilege 3:573
Evidence—Attorney-Client Privilege 4:195
Evidence—Attorney-Client Privilege Lost When Attorney Fails to Adequately Protect Documents 5:550
Evidence—*Jaffee v. Redmond*: Supreme Court Recognition of Protected Psychotherapist Privilege 20:679
Evidence—Pretrial Communications Between a Potential Witness and Counsel 3:578
Evidence—Privilege 2:178
Evidence—Rape Victim's Statements to Rape Crisis Center Lack Privileged Communications Protection 5:374
Evidence—The Marital Privilege 3:571
Evidence—The Marital Privilege 4:455
Evidentiary Privileges—Should Psychotherapist-Patient Privilege Be Recognized? 18:721
Marital Communications After the Federal Rules of Evidence: New Privilege Interpretations of the Constitution 1:137
Prolegomenon to a Forensic Cultural Anthropology 16:391
"Ratting" 17:49

PROBABILISTIC EVIDENCE
Jurors' Comprehension and Assessment of Probabilistic Evidence 16:361

PROBABLE CAUSE
Criminal Law—Police Officers May Conduct Warrantless Searches of Automobiles with Probable Cause 7:182

PRODUCTION OF DOCUMENTS
See DISCOVERY, PRETRIAL PROCEDURE

PRODUCTS LIABILITY
Alabama's Extended Manufacturer's Liability Doctrine 13:983
An Overview of Litigation Concerning Products Liability and Medical Devices 5:309
Anti-Dissemination Orders in Product Liability Suits 5:507
Aviation Products Liability as the Cause of the Decline in Small Aircraft Manufacturing:

An Examination of Possible Solutions 19:171
Breach of Warranty and Strict Liability—A Unified Approach to the Preparation and Trial of a Product Liability Case 3:29
Cipollone v. Liggett Group, Inc.: The Effect of the Federal Cigarette Labeling and Advertising Act 16:477
Civil Procedure—Sua Sponte Certification of a Class Upheld in Products Liability Litigation 5:522
Comments on Defense Planning and Preparation in Products Liability Actions 2:1
Confidentiality Orders in Products Liability Cases 13:597
Discovery in Product Liability Cases 6:241
Discovery in Products Liability Cases: The Plaintiff's Plea for Judicial Understanding 12:413
Evidence—Admissibility of Post-Accident Design Change in Products Liability Actions 5:369
Federal Preemption of Product Liability Law: Federalism and the Theory of Implied Impeachment 15:435
Government Contractor Defense—Absolute Immunity for the Product Maker 12:1
Preparation of the Plaintiff's Products Liability Case 6:369
Product Liability Law: Let's Keep the Federal Government Out of it 7:347
Product Liability Lawsuits: Pitfalls in Preparation and Trial 18:135
Products Liability—Admissibility of State of the Art Evidence 3:594
Products Liability—California's Developing Definition of "Defect" in Failure to Warn Cases 3:596
Products Liability—Failure to Warn and State of the Art Defenses: Further Judicial Legislation in Consumer Protection? 6:515
Products Liability—Failure to Warn and the Knowledge Requirement in Products Liability 4:498
Products Liability—Market Share Liability—A New Theory for DES Cases 4:492
Products Liability—*Medtronic, Inc. v. Lohr*: Will a Pre-emption Defense Ever Get a Manufacturer Off the Hook? 20:439
Products Liability—Misuse of Product as an Affirmative Defense in Products Liability Actions 4:500
Products Liability—Prescription Drug Manufacturer Is Not Liable for Unknown or Unforeseeable Risks 7:197
Products Liability—Statute Barring Product Liability Claims on Products in Use for Over Ten Years Held Unconstitutional 6:513
Products Liability—Strict Liability in Tort 3:366
Products Liability: Tort or Contract?—Which Statute of Limitations to Apply 8:319
Products Liability—Wrongful Death Due to Defective Drug—Action Barred by Statute of Limitations 3:592
Recovery of Damages for the Negligent Infliction of Emotional Distress in Products Liability Cases 8:137
The Admissibility of Other Similar Incident Evidence: A Three-Step Approach 15:541
The Crashworthiness Doctrine 18:37
The Role of Litigation 8:419
Tobacco Advertising, Public Welfare, and Commercial Free Speech: Some Comparative Insights From the Canadian Experience 16:497
Torts—Products Liability—A Negligence Action Should Be Allowed to Determine the Reasonableness of Marketing Schemes 1:396
Torts—Products Liability—Failure to Warn 5:221
Torts—Products Liability—Parking Deck Not Considered "Product" Within Strict Products Liability Context of Restatement (Second) of Torts Section 402A 1:400
Toxic Shock Syndrome: Proving Causation Before Science Has 6:15
Use of Human Factors in a Product Liability Case 2:47

PROFESSIONAL LICENSING

Medical Staff Credentialing: Physician Challenges to Board Certification Criteria 18:673
O'Brien v. O'Brien: A Professional License Subject to Equitable Distribution in New York 10:561

PROFESSIONAL MALPRACTICE

See MALPRACTICE

PROFESSIONAL RESPONSIBILITY

Adversary Ethics: More Dirty Tricks 6:265
Attorneys—Conflict of Interest 4:385
Attorneys—Conflict of Interests 5:125
Attorneys—Direct Mail Solicitation 5:130
Attorneys—Relief from Disqualification of an Attorney 4:387
Attorneys—State Court Holds that an Out of State Law Firm Can Advertise Within the State Only if the Named Counselors Are Members of that State's Bar 6:186
Attorneys—Vicarious Disqualification 5:127

Bona Fide Attorney Fees Are Not Forfeitable Under the Comprehensive Forfeiture Act of 1984: *United States v. Rogers* 9:487
Conflicts of Interest Between Insurer and Insured: Ethical Traps for the Unsuspecting Defense Counsel 17:101
Evidence—Statements Obtained in Violation of Disciplinary Rule 7-104(A)(1) of Code of Professional Responsibility 3:351
Name Calling at Trial: Placing Parameters on the Prosecutor 8:385
Peel v. Attorney Registration and Disciplinary Commission and the Present Scope of Allowable Attorney Advertising 14:335
Pretesting Survey Questions: The Procedural and Ethical Ramifications 11:195
Prosecutorial Misconduct in Closing Argument: Remedial Measures 8:397
"Ratting" 17:49
Representing Multiple Clients Simultaneously: A Question of Professional Responsibility 12:297
Risks in Interviewing the Sexual Harassment Client 19:563
Seven Years of the Bates Doctrine: Progression or Confusion? 7:611
The Lawyer as a Liar 2:305
The Rising Tide of Legal Malpractice: Spitting into the Wind? 4:637
What Can the Defense Attorney Say at a "Preformal Charge" Press Conference? *Gentile v. State Bar of Nevada* Puts a Porous Gag on Trial Lawyers 15:269

PROFESSIONAL STANDARDS
Medical Staff Credentialing: Physician Challenges to Board Certification Criteria 18:673

PROPERTY LAW
Compensable "Takings"—And Why Not? An Analysis of the Fifth Amendment Just Compensation Clause and Police Power Regulatory "Takings" 10:365
Domestic Relations—Effects of Unmarried Cohabitation Upon Alimony 5:197
Domestic Relations—Property Rights—Professional Degrees 5:189
Frances T. v. Village Green Owners Association: Extending Landlord-Tenant Standard of Care to Condominiums 11:337
From "Tumble-Down Houses" to Safe Housing: The Decline of Tort Immunity for Landlords 12:343
Landlord-Tenant—Exculpatory Clauses in Leases 2:197
Landlord-Tenant—Implied Warranty of Habitability 2:195
Landlord-Tenant—Landlord's Duty to Provide Reasonable Security Against Foreseeable Criminal Activity 4:809
Property—Easements by Necessity: What Level of Necessity is Required? 19:475
Property Law—Partition—When Unmarried Man and Woman Live Together, Either Party May Bring an Action to Partition Jointly Owned Property 1:392
Property—Ordinances Found Constitutional—Exercise of Police Power 4:836
Property—The Regulation of Private Property for Public Purposes—Ordinances Found Unconstitutional: Compelling State Interest 4:828
Torts—Owners and Occupiers of Land 3:604
Torts—Private Nuisance Doctrine is Applicable to Interference with Property Owner's Solar Access 6:360
Trying Equitable Distribution Can Be Trying 5:225

PROTECTIVE ORDERS
See DISCOVERY, PRETRIAL PROCEDURE

PSYCHIATRIST/PSYCHOLOGIST
Evidence—*Jaffee v. Redmond*: Supreme Court Recognition of Protected Psychotherapist Privilege 20:679
Evidentiary Privileges—Should Psychotherapist-Patient Privilege Be Recognized? 18:721
Henson v. State: Rape Trauma Syndrome Used by the Defendant as Well as the Victim 19:453
Psychiatrists and Hospitals: Liability for Patients' Self Inflicted Injuries 5:1
Why Psychiatrist-Patient Sex is Medical Malpractice: The Mishandling of the Transference Phenomenon 13:747

PUBLIC DEFENDER
Attorneys—Malpractice Liability of the Public Defender 4:116
The Role of State Funded Programs in Legal Representation of Indigent Defendants in Criminal Cases 17:205

PUBLIC NUISANCE
See NUISANCE

PUBLIC OFFICIALS/FIGURES
Immunity—Public Officials—Individual Members of Board of Pardons and Paroles Liable for Negligent Discretionary Acts 1:380
Torts—Defamation—Campaign Workers: Public Figure? 5:420

Torts—Determination of Public Figure Status in Libel Actions 6:204

PUBLICITY
What Can the Defense Attorney Say At a "Pre-formal Charge" Press Conference? *Gentile v. State Bar of Nevada* Puts a Porous Gag on Trial Lawyers 15:269

PUNISHMENT
See SENTENCING

PUNITIVE DAMAGES
BMW of North America, Inc. v. Gore [Supreme Court Brief] 20:103
Colonial Pipeline v. Brown: Georgia Constructs a State Constitutional Limit on Punitive Damages 12:511
James L. Jackson v. Johnson Manville Sales Corp. et al.: Philosophy of Proof and Argument of Punitive Damages 7:123
Punitive Damages Since *Pacific Mutual Life Insurance Co. v. Haslip* 16:693
Torts—Federal Court Holds that Insurance May Cover Vicarious Punitive Damages Under Florida Law 5:563
Torts—Insurance Coverage of Punitive Damages 5:558
Torts—Punitive Damages 4:225
Torts—Punitive Damages: Making the Plaintiff Whole or Making the State Wealthy? 19:699

Q

QUALIFIED IMMUNITY
Civil Rights—Pleading a Qualified Immunity 4:411
Civil Rights—Qualified Immunity in § 1983 Civil Rights Actions 4:142
Goddard v. Urrea—Another Crack in the Shield of Qualified Immunity in Section 1983 Actions Against Government Officials? 12:533
The Confounding Prong of the *Harlow v. Fitzgerald* Qualified Immunity Test: When is a Constitutional Right Clearly Established? 17:797

R

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (RICO)
Bona Fide Attorney Fees Are Not Forfeitable Under the Comprehensive Forfeiture Act of 1984: *United States v. Rogers* 9:487
Creative Applications of Civil RICO 11:245
Holmes v. Securities Investor Protection Corp.: The Supreme Court Restricts Civil RICO 16:447
RICO Claims by Celebrities Against the Tabloid Media for Publication of Purloined Material 15:47
United States v. Andrews: Conspirators May Go it Alone These Days 12:549

RAILROADS
Exclusion of Evidence—23 U.S.C. § 409: Evidentiary Bar for Railroad Crossing Evaluations 19:471
Railroad Litigation and the Human Factors Expert: Why the Plaintiff Missed the Train 4:621

RAPE
Changing the Marital Rape Exemption: I Am Chattel(?!); Hear Me Roar 18:657
Criminal Law—Rape 3:116
Criminal Law and Procedure—Sentencing for Rape Convictions—Unbridled Jury Discretion in Imposing a Life Sentence on Convicted Rapist is Unconstitutional 4:178
Evidence—Rape Victim's Statements to Rape Crisis Center Lack Privileged Communications Protection 5:374
Evidence—Relevancy of Rape Victim's Prior Sexual Promiscuity 5:200
Henson v. State: Rape Trauma Syndrome Used by the Defendant as well as the Victim 19:453
Rape Trauma Syndrome: Toward Proper Use in the Criminal Trial Context 20:227
Warren v. State: One Attempt to Modernize the Marital Rape Exemption 10:157

REAL PROPERTY
See PROPERTY

RELEVANCY
A Review of the Admissibility of Novel Scientific Evidence 17:741
Constitutional Law—First Amendment Protections Bow Before the Need to Develop Relevant Evidence 8:499
Evidence—Relevancy of Rape Victim's Prior Sexual Promiscuity 5:200

RELIGION
Ascending Liability of Religious Entities for the Actions of Others 17:289
Civil Rights—Freedom of Religion as a Defense to Employment Discrimination Charges Under Title VII 5:154

Constitutional Law—Court Holds County Maintenance of Religious Symbol in Violation of Establishment Clause 6:337
Constitutional Law—Freedom of Religion: Government Neutrality 5:163
Constitutional Law—Second Circuit Distinguishes a Revolutionary Organization from a Religion 5:534
Discriminatory Religious Services: The Exception to Practices Prohibited by Civil Rights Statutes 10:141
Family Law—Custody Suits—Religious Beliefs of Parents 4:209
"Free Exercise" Footsteps in the Defamation Forest: Are "New Religions" Lost? (Part One of Three) 7:57
"Free Exercise" Footsteps in the Defamation Forest: Are "New Religions" Lost? (Part Two of Three) 7:307
"Free Exercise" Footsteps in the Defamation Forest: Are "New Religions" Lost? (Part Three of Three) 7:517
Torts—A New Cause of Action for Members of Religious Groups Suing Their Parents for Attempting to Deprogram Them 7:656

REMEDIES
Antitrust—Private Antitrust Suits and New Remedies 2:172
Civil Rights—Exhaustion of State Remedies Under Section 1983 5:357
Defiance of Order to Obtain and Maintain Life Insurance for the Benefit of Minor Children: What Remedy after Death? 7:351
In re Chateaugay Corp.: To What Extent Are Contingent Claims and Injunctive Remedies Under CERCLA Dischargeable in Bankruptcy? 16:255
New Federalism and the Right to Remedy: More Than a Rational Relation 11:453
Pre-judgment Remedies: A Proposed Federal Remedy Statute and Related Proposed Amendment to Federal Rule of Civil Procedure 64 11:219
Representing the Judgment Creditor 16:1
The Military Claims Act: Remedy or Run Around? 14:305

REPRODUCTIVE RIGHTS
An Advocate's View of the Surrogate Mother Problem: Suggested Litigation Strategies 12:393

RES JUDICATA
Civil Procedure—Collateral Estoppel and Res Judicata 4:397
Civil Procedure—Res Judicata—Workman's Compensation Awards 4:703
Civil Procedure—Res Judicata in Extraordinary Relief Actions 5:138
Civil Procedure—*Woodson v. Fulton* 4:399

RIGHT TO COUNSEL
Civil Rights—Appointment of Counsel 5:144
Coram Nobis and the Right to Counsel 2:273
Criminal Law—Right to Counsel 4:772
Criminal Law—Statements Made After Miranda Warnings But Before Explicitly Waiving Right to Counsel 3:348
Criminal Law and Procedure—Right to Counsel 4:159
Criminal Procedure—Effective Assistance of Counsel 3:139
Criminal Procedure—Right to Counsel and Student Practice Rules 2:372
Criminal Procedure—Right to Counsel and Trial By Jury 3:142
Family Law—Paternity Suits—Right to Appointed Counsel 3:358
The Role of State Funded Programs in Legal Representation of Indigent Defendants in Criminal Cases 17:205

RIGHT TO DIE
Cruzan v. Director, Missouri Department of Health and the Right to Die: Where Should the Line Be Drawn? 14:645

S

SANCTIONS
An Up-Date on Rule 37 Sanctions After *National Hockey League v. Metropolitan Hockey Clubs, Inc.* 3:413
Rule 11: What is Reasonable? What is Proper? 13:729

SCIENTIFIC EVIDENCE
A Review of the Admissibility of Novel Scientific Evidence 17:741
Avoiding Litigation Neurosis: A Practitioner's Guide to Defending Post Traumatic Stress Disorder Claims 20:29
Computer-Generated Exhibits—Demonstrative, Substantive, or Pedagogical—Their Place in Evidence 18:1
Evidence—Admissibility of Polygraph Evidence in Light of *Daubert v. Merrell Dow Pharmaceuticals, Inc.* 20:215
Evidence—Ohio Holds State Rules of Evidence Allow Admission of "Voice-Print" Analysis as Scientific Evidence 7:187
Fundamentals of Disability Determination and Rehabilitation: A Higher Ground for the Applied Neurobehavioral Sciences 8:337

Henson v. State: Rape Trauma Syndrome Used by the Defendant as well as the Victim 19:453
It's Not Bad Law—It's Bad Science: Problems with Expert Testimony in Trial Proceedings 18:545
"Practical Inconvenience" or Conceptual Confusion: The Common-Law Genesis of Federal Rule of Evidence 703 20:467
Trial by Lottery: The Misuse of Epidemiology and Statistics to Prove Causation in Drug and Chemical Litigation 12:19

SCIENTIFIC STUDY
Jurors' Comprehension and Assessment of Probabilistic Evidence 16:361
Jury Research: Reading the Road Map of Jury Thinking 16:795

SEARCH AND SEIZURE
Alabama v. White: The Constitutionality of Anonymous Telephone Tips in Support of "Reasonable Suspicion" and the Narrowing of Fourth Amendment Protections 14:605
Constitutional Law—Court Issues Guidelines Concerning Coerced Consent to Search and Seizure 5:533
Constitutional Law—Search and Seizure—A Federal District Court Has Inherent Authority to Order the Technical Assistance of a Telephone Utility in Conjunction with Authorized Pen Register Surveillance 1:173
Constitutional Law—Search and Seizure—A Federal District Court Has Authority to Order the Technical Assistance of a Telephone Utility in Conjunction with Authorized Pen Register Surveillance 1:342
Constitutional Law—Use of Canines as Drug Detection Device Must Adhere to the Requirement of a Limited Search 6:193
Criminal Law—Electronic Searches 4:449
Criminal Law—Police Officers May Conduct Warrantless Searches of Automobiles with Probable Cause 7:182
Criminal Law—Search and Seizure 3:550
Criminal Law—Search and Seizure 4:739
Criminal Law—Search and Seizure 4:769
Criminal Law—Search and Seizure—Impoundment 3:339
Criminal Law—Search and Seizure—Plain View Doctrine 3:335
Criminal Law—Searches and Seizures in the Home 4:447
Criminal Law—The Inadvertence Requirement of the Plain View Doctrine 4:452
Criminal Law and Procedure—Search and Seizure 4:164
Criminal Law and Procedure—Search and Seizure—Privacy Expectations of Non-Owner Automobile Occupants During Warrantless Search 4:168
Criminal Law and Procedure—Search and Seizure—Seizure of Items Not Described on Warrant is Valid When Burglary Victims Identify Same in Plain View 4:176
Criminal Law and Procedure—Search and Seizure—Third Party Consent to Warrantless Search 4:171
Criminal Law and Procedure—Search and Seizure—Warrantless Search of Luggage Incident to Lawful Airport Arrest 4:173
Don't Keep Your Illegal Drugs and Your Unreported Income in the Same Cookie Jar 7:567
Evidence—Use of Illegally Seized Evidence for Impeachment Purposes 4:782
Search and Seizure—Warrantless Search of Family Day Care Homes Held Constitutional Under "Pervasively Regulated Business" Exception 8:325
The Inventory Exception to the Fourth Amendment Warrant Requirement: Why the Last in Should be the First Out—Or, Putting *Opperman* and *Bertine* in Their Place 12:273
Warrants—Electronic Surveillance 2:406
Warrants—OSHA Inspections 2:204
Warrants—Search and Seizure 2:409
Warrants—Search of Newspaper Premises 2:206
Warrants—Search of Private Residences 2:205
Warrants—Telephone Records 2:405

SEARCH WARRANTS
See CRIMINAL PROCEDURE, SEARCH AND SEIZURE, WARRANTS

SECTION 1983
Civil Rights—Exhaustion of State Remedies Under Section 1983 5:357
Civil Rights—First Circuit Court of Appeals Holds that Complaint Alleging Mental Patient's Helplessness and Hospital's "Wanton Callousness" May Give Rise to Cause of Action Under 42 U.S.C. § 1983 1:165
Civil Rights—Prosecutorial Immunity Under Section 1983 5:361
Civil Rights—Qualified Immunity in § 1983 Civil Rights Actions 4:142
Civil Rights—Section 1983 Actions After *Monell v. Department of Social Services* 3:106
Civil Rights—The "Special Relationship" Doctrine as a Basis for School District Liability Under 42 U.S.C. § 1983 20:463

Goddard v. Urrea—Another Crack in the Shield of Qualified Immunity in Section 1983 Actions Against Government Officials? 12:533
Policy, Custom, or Practice: The Contours of Proof of Section 1983 Municipal Liability 10:477
Section 1983: A Basic Understanding 12:355

SECURITIES LAW
Rise Phoenix—A Guide to the Defunct Federal Securities Code 11:103
The Role of Experts in Securities Arbitrations 16:721
The Unclean Hands Defense to SEC Enforcement Actions 3:1

SENTENCING
Constitutional Law—Ex Post Facto Laws—Equal Protection—No Ex Post Facto Violation Where Defendant Given Death Sentence Pursuant to Constitutional State Statute, Even Though Crime Occurred When Death Penalty Was Governed by Earlier State Statutes, Which Were Later Held Unconstitutional 1:338
Criminal Law—Capital Punishment: Overbroad Interpretation of Capital Sentencing Statute 4:730
Criminal Law—Death Penalty Must be Reduced to Life Imprisonment if a Single Venireman Has Been Erroneously Excluded Under the Witherspoon Test for Conscientious Objection to Capital Punishment 1:177
Criminal Law—Jury Instruction Regarding Concurrent Sentences 3:347
Criminal Law—Penalty Enhancement 4:736
Criminal Law—Plea Bargaining—Trial Judge's Discretion to Refuse to Accept Sentence Proposed in Prior Agreement 6:195
Criminal Law and Procedure—Sentencing for Rape Convictions—Unbridled Jury Discretion in Imposing a Life Sentence on Convicted Rapist is Unconstitutional 4:178
Environmental Crimes: The Boom in "Busting" Corporations and Their Responsible Officers 16:417
Sentencing the Criminal—A Judicial Responsibility 9:369
Survey of State "Good-Time" Laws 8:57

SEPARATION OF POWERS
Criminal Law—Constitutionality of "Speedy Trial" Act Questioned as an Infringement of the Separation of Powers Doctrine 1:347

SETTLEMENT
Civil Procedure—Compromise and Settlement 4:400
Civil Rights—Recovery of Attorney Fees in Civil Rights Proceedings After Settlement 3:333
Estate Planning Aspects of Structured Settlements 11:189
Family Law—Division of Marital Property 2:188
Family Law—Property Settlements Between Unmarried Cohabitants 2:387
Judicial Involvement in Pre-Trial Settlement: A Judge is Not a Bump on a Log 6:27
Judicial Settlement Techniques 5:39
Mandatory Structured Settlements and the Subtle Assault on the Tort System 4:657
Motions to Enforce Settlements: An Important Procedural Tool 8:1
Packaging a Case for Settlement or Trial 17:461
Should Judges Grease the Slow Wheels of Justice? A Survey on the Effectiveness of Judicial Mediary Techniques 8:83
Some Comments on Negotiation and Settlement 4:277
Structured Settlements in Review: The Fundamental Concept 4:559
The Case Study—*Thorshov v. Louisville & Nashville R.R.* 4:579
Uncle Sam and the Tort-Feasors: A Look at the Tax Consequences of Tort Settlement 8:257
Valuing Defined Benefit Pension Plans 7:47

SEX DISCRIMINATION
Discrimination—Employment Discrimination—Sex Discrimination: Equal Pay for "Substantially Equal Work" 6:505
Workmen's Compensation—Sex Discrimination—Widow's Statutory Presumption of Total Economic Dependence Held Violative of Widower's Guarantee of Equal Protection 1:211

SEXUAL HARASSMENT
Protecting the Righteous Employer Against Abusive Sexual Harassment Claims: Two Modest Proposals 18:565
Risks in Interviewing the Sexual Harassment Client 19:563
Sexual Harassment in the Workplace: The Continuing Quest for the Reasonable Woman Standards 15:415
Sexual Harassment—Same-Sex Sexual Harassment and Title VII 20:663
Sexual Harassment—Should Schools Be Held Liable for Peer Sexual Harassment Under

Title IX of the Education Amendments of 1972? 20:219

SOCIAL SECURITY
Child Support and the Courts in the Year 2000 17:693
Social Security—What Constitutes a "Disability" Under the Social Security Act 6:517

SPORTS LAW
Anatomy of a Recreational Tort Case 5:457
"At the Ol' Ball Game" and Beyond: Spectators and the Potential for Liability 14:497
Fore! Liability to Spectators at Golf Tournaments 13:1207

STANDARD OF CARE
See MALPRACTICE, TORT LAW

STANDING
Antitrust—Private Antitrust Suits and Standing to Sue 3:313
Civil Rights—Judge Defers Standing of Plaintiff in Utero to Legislature 5:529
Civil Rights—State Held to Possess Standing 5:530
Contractual Privity as an Element of Bad Faith Failure to Settle: Will Alabama Recognize an Excess Insurance Carrier's Standing to Sue a Primary Insurance Carrier? 18:467
Detecting Minority Vote Dilution Achieved Through the Use of Multimember Districting and "Standing"—Does the Extremely Small Minority Have it? 13:1187
Lujan v. Defenders of Wildlife: Where Does the Standing Issue Stand in Environmental Litigation? 16:761
Private Actions for Damages Resulting From an Environmental Public Nuisance: Overcoming the Barrier to Standing Posed By the "Special Injury" Rule 16:591

STATISTICS
Trial by Lottery: The Misuse of Epidemiology and Statistics to Prove Causation in Drug and Chemical Litigation 12:19

STATUTE OF LIMITATIONS
Asbestos Litigation: A Trend Toward the Discovery Rule 8:315
Civil Procedure—State Statute of Limitations and Fed. R. Civ. P. 3 in Diversity Actions 4:683
Civil Procedure—Tolling the Statute of Limitations: The Discovery Rule in Childhood Sexual Abuse Cases 19:237
Civil Rights—Timely Filing Under Title VII 3:545
Defendant's Absence from State: When the Defendant Leaves Town Does He Take the Statute with Him? 8:183
Effect of Death of Liable Party: Is the Statute Buried with the Defendant? 8:189
Fictitious Parties: Does John Doe Toll the Statute? 8:177
Medical Malpractice—Statute of Limitations 3:365
Products Liability: Tort or Contract?—Which Statute of Limitations to Apply 8:319
Products Liability—Wrongful Death Due to Defective Drug—Action Barred by Statute of Limitations 3:592
The Rhode Island Supreme Court Tolls the Statute of Limitations: On a Clear Day You Can See Forever 11:157

STRICT LIABILITY
Cipollone v. Liggett Group, Inc.: The Effect of the Federal Cigarette Labeling and Advertising Act on State Common Law Claims 16:477
Daly v. General Motors, Corp.: Comparative Negligence as a Defense to Strict Liability 17:555
Defenses in Strict Tort Liability 5:485
Torts—Contributory or Comparative Negligence as a Full or Partial Defense to a Strict Liability Action 7:200
Torts—Products Liability—Parking Deck Not Considered "Product" Within Strict Products Liability Context of Restatement (Second) of Torts Section 402A 1:400
Torts—State Court Rejects Exception to the Application of Strict Liability to Carriers of Abnormally Dangerous Substances 6:203
Torts—Strict Liability—Blasting 5:424
Torts—Strict Liability Allowed Where Blood Bank Supplied Contaminated Blood 5:557

SUMMARY JUDGMENT
Civil Procedure—Summary Judgment 4:402
Motion to Strike Affirmative Defenses—The Equivalent of Partial Summary Judgment? 13:645
Summary Judgment: Taming the Beast of Burdens 10:433
Summary Judgment Practice in the 1990s: A New Day Has Begun—Hopefully 14:441

T

TAXATION
Defining "Significant Services" as They Relate to Passive Investment Income and the Subchapter S Termination Provision of the Internal Revenue Code 11:507

Health Law—The Health Insurance Portability and Accountability Act: Favorable Tax Treatment for Medical Savings Accounts 20:457
Instructing the Jury on the Taxability of Their Awards—But First, How Are They Taxed? 9:299
Klawonn v. Mitchell: Does a Refusal to Instruct a Jury that Wrongful Death Damages are Excluded from Income Taxation Make the Jury's Task Simpler or More Difficult? 19:211
Lost Earnings and Income Tax: Cross-Examination of Plaintiff's Economist 4:289
Tax—*Commissioner v. Schleier*: Taxability of ADEA Damage Awards 19:705
Tax—"Goods or Services" Test for "Trade or Business" Under Internal Revenue Code 7:653
Uncle Sam and the Tort-Feasors: A Look at the Tax Consequences of Tort Settlement 8:257

THIRD PARTY PLAINTIFFS
In re Chateaugay Corp.: To What Extent Are Contingent Claims and Injunctive Remedies Under CERCLA Dischargeable in Bankruptcy? 16:255

TITLE VII
Avoiding Lawsuits for Employment Discrimination 20:277
Civil Rights—Discriminatory Intent Under Title VII 3:546
Civil Rights—Employment Discrimination—Commission's Failure to Inform Aggrieved Federal Employees of Their Right to Bring a Personal Action did not Prevent the Thirty Day Period of Limitation from Running 1:161
Civil Rights—Freedom of Religion as a Defense to Employment Discrimination Charges Under Title VII 5:154
Civil Rights—Redlining Practices of Insurance Companies Violative of Title VIII of the Civil Rights Act of 1968 3:541
Civil Rights—Rights of Pregnant Employees Under Title VII 5:146
Civil Rights—Timely Filing Under Title VII 3:545
Class Actions in Employment Discrimination: Balancing the Broad Remedial Provisions of Title VII with the Procedural Prerequisites of Rule 23 of the Federal Rules of Civil Procedure 1:299
Connecticut v. Teal: In Disparate Impact Cases Brought Under Title VII, the Employer's "Bottom Line" is No Defense 8:121
Damned if They Do, Damned if They Don't: The Collision Between Religion and the Workplace Has Employers Caught in the Middle 20:353
Discriminatory Religious Services: The Exception to Practices Prohibited by Civil Rights Statutes 10:141
Easing the Employer's Burden of Proof in Title VII Cases 5:337
Employment Law—Debating Individual Liability Under Title VII of the Civil Rights Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act 19:677
Gender-Based Discrimination Under State Statutes Modeled After the Civil Rights Act of 1964: Washington's Response to the Question 10:573
Is Preferential Treatment Justified in Voluntary Affirmative Action Programs? 12:99
Sexual Harassment in the Workplace: The Continuing Quest for the Reasonable Woman Standards 15:415
Sexual Harassment—Same-Sex Sexual Harassment and Title VII 20:663
Splitting the Baby on After-Acquired Evidence in Employment Discrimination Cases 19:241
St. Mary's Honor Center v. Hicks: Is the Supreme Court's Definition of Pretext Beneficial or Detrimental to Title VII Plaintiffs? 18:213

TOBACCO LAW
Cipollone v. Liggett Group, Inc.: The Effect of the Federal Cigarette Labeling and Advertising Act 16:477
Master and Servant—Employee's Right to Safe Working Conditions Requires Employer to Ban Cigarette Smoking in Work Area 1:201
Passive Smoking: Are We Our Brother's Keeper? 13:901
RJR-MacDonald Inc. v. Attorney-General of Canada: The Quebec Court of Appeal Upholds the Tobacco Products Control Act 16:785
Tobacco Advertising, Public Welfare, and Commercial Free Speech: Some Comparative Insights From the Canadian Experience 16:497

TORT LAW
A New Tort in Alabama: Wrongful Employment Termination in Violation of Public Policy 12:39
Admiralty—Torts—Pre-Judgment Interest May Not Be Awarded in Personal Injury and Death Claims 7:631

Agent Orange Revisited: Alternatives to Litigation 6:323
Alabama's Extended Manufacturer's Liability Doctrine 13:983
"Am I My Brother's Keeper?": *Cornpropst v. Sloan*, A Business Proprietor's Civil Liability for Criminal Attacks to an Invitee by a Third Party 9:473
An Update on the Liability Crisis: Tort Policy Working Group 10:213
Anatomy of a Recreational Tort Case 5:457
Ascending Liability of Religious Entities for the Actions of Others 17:289
Bystander Emotional Distress Claims in Medical Malpractice Actions 15:605
Choice of Law—Abandoning the "Toothless Old Dog" of *Lex Loci Delecti* in Tort Actions 20:443
Choice-of-Law Approaches in Tort Actions 16:859
Cipollone v. Liggett Group, Inc.: The Effect of the Federal Cigarette Labeling and Advertising Act on State Common Law Claims 16:477
Corporations—Successor Corporations and Their Liability in Personal Injury Cases 7:411
Daly v. General Motors, Corp.: Comparative Negligence as a Defense to Strict Liability 17:555
Discovery in Products Liability Cases: The Plaintiff's Plea for Judicial Understanding 12:413
Emotional Distress—Negligent Infliction of Emotional Distress: Repeal of the "Impact" Rule 7:185
Employees Covered by a Collective Bargaining Agreement: Are They Entitled to the Common-Law Tort Action for Retaliatory Discharge for Pursuing Workmen's Compensation Rights? 9:459
Finance Lessor Liability Under Section 402A Restatement (Second) of Torts 7:155
Interspousal Immunity and Domestic Torts: A New Twist on the "War of the Roses" 15:625
Landlord-Tenant—Landlord's Duty to Provide Reasonable Security Against Foreseeable Criminal Activity 4:809
Landlord-Tenant—Landlord's Tort Liability for Dangerous Conditions on the Premises 4:813
Lee v. Kiku Restaurant: Allocation of Fault Between an Alcohol Vendor and a Patron—What Could Happen After Providing "One More for the Road" 17:269
Mandatory Structured Settlements and the Subtle Assault on the Tort System 4:657
Negligence—Is Violation of Swimming Pool Safety Regulations Negligence Per Se? 8:193
Negligent Hiring: Employer's Liability for Acts of an Employee 7:603
Negligent Infliction of Emotional Distress—Wisconsin Becomes Latest State to Formally Abandon the "Zone of Danger" Rule in Bystander's Claim for Emotional Distress 18:495
Overintrusive Surveillance of Plaintiffs in Personal Injury Cases 9:1
Personal Injury Not Covered by Specific Statutes—The "Catch All" 8:311
Product Liability Law: Let's Keep the Federal Government Out of it 7:347
Products Liability—Prescription Drug Manufacturer Is Not Liable for Unknown or Unforeseeable Risks 7:197
Products Liability—Strict Liability in Tort 3:366
Psychiatrists and Hospitals: Liability for Patients' Self Inflicted Injuries 5:1
Resolving the Paradox of the Innocent Construction Rule 7:481
Should Joint and Several Liability of Multiple Tortfeasors be Abolished? 10:193
Smith v. Columbus Community Hospital, Inc.: Wrongful Death Actions Involving a Viable Unborn Child 14:185
Soldano v. O'Daniels: A Reformation of the Common Law Rule of Non-Liability for Nonfeasance 8:159
Spoliation of Evidence: A New Rule of Evidence is the Better Solution 18:449
The Intentional Injury Exclusion: When is There No Intent Behind the Intention? 11:527
Tort Reform and the Constitution 10:287
Torts—A New Cause of Action for Members of Religious Groups Suing Their Parents for Attempting to Deprogram Them 7:656
Torts—Admiralty—Seamen's Injuries 6:364
Torts—Allowing a Bystander to Recover Emotional Distress Damages Caused by Witnessing Peril to a Victim 6:356
Torts—"Benefit Rule" Rejected in Wrongful Birth Action 5:565
Torts—Bystander Recovery for Emotional Distress 3:599
Torts—Comparative Negligence—Florida Limits the Doctrine of Set-off to Cases Where Neither Party is Injured or Where the Liability Exceeds the Insurance Coverage 1:205
Torts—Contributory or Comparative Negligence as a Full or Partial Defense to a Strict Liability Action 7:200

Torts—Criminal Assault by Third Parties—"Fairness" Test Used to Hold Premises Owner/Lessor Liable Following Repeated Assaults on the Premises 1:207
Torts—Defamation—Campaign Workers: Public Figure? 5:420
Torts—Dependent's Death Before Judgment in Wrongful Death Actions 4:503
Torts—Determination of Public Figure Status in Libel Actions 6:204
Torts—Doctor Held to be an Intervening Proximate Cause in Flue Vaccine Related Injury 5:561
Torts—Duty of Hospital 4:233
Torts—Emergency Vehicle Liability 4:506
Torts—Emotional Distress 2:400
Torts—Emotional Distress 4:230
Torts—Emotional Distress and Bystander Recovery 3:160
Torts—Federal Court Holds that Insurance May Cover Vicarious Punitive Damages Under Florida Law 5:563
Torts—Federal Tort Claims Act—Court Distinguishes Discretionary and Proprietary Functions in Tort Action Against the United States 6:365
Torts—Governmental Immunity 5:218
Torts—Infliction of Mental Distress Absent Physical Injury 6:355
Torts—Insurance Coverage of Punitive Damages 5:558
Torts—Intentional Acts May Be "Accidents" Within Coverage of an Automobile Insurance Policy 6:358
Torts—Intentional Infliction of Extreme Mental Suffering Adopted as Separate Independent Tort 7:199
Torts—Interspousal Immunity 5:216
Torts—Landlord's Liability for Injuries Caused by Tenant's Animals 7:423
Torts—Legal Malpractice: No Privity Required 18:491
Torts—Loss of Consortium Claims 4:220
Torts—Medical Malpractice: What Standard to Apply to a Specialist 19:227
Torts—No Liability for Contraceptive Manufacturer Who Warns Physician of Drug's Potential Dangers 5:559
Torts—Ohio Allows Malpractice Claims Against Accountants by Third Parties Without Privity 6:361
Torts—Owners and Occupiers of Land 3:604
Torts—Parental Immunity 5:212
Torts—Physicians and Surgeons 3:601
Torts—Physicians' Liability for Wrongful Disclosure 6:201
Torts—Private Nuisance Doctrine is Applicable to Interference with Property Owner's Solar Access 6:360
Torts—Product Disparagement—Defamation 5:413
Torts—Products Liability—A Negligence Action Should Be Allowed to Determine the Reasonableness of Marketing Schemes 1:396
Torts—Products Liability—Failure to Warn 5:221
Torts—Products Liability—Parking Deck Not Considered "Product" Within Strict Products Liability Context of Restatement (Second) of Torts Section 402A 1:400
Torts—Proof of Damages in Malicious Prosecution Actions 4:508
Torts—Punitive Damages 4:225
Torts—Punitive Damages: Making the Plaintiff Whole or Making the State Wealthy? 19:699
Torts—Recovery for Mental Injuries Under No-Fault Statutes 3:607
Torts—Standard of Care 4:228
Torts—Standard of Care Applicable to Children Engaged in Adult Activities 7:655
Torts—State Court Rejects Exception to the Application of Strict Liability to Carriers of Abnormally Dangerous Substances 6:203
Torts—Strict Liability—Blasting 5:424
Torts—Strict Liability Allowed Where Blood Bank Supplied Contaminated Blood 5:557
Torts—Sum Certain Requirement Under the Federal Tort Claims Act 4:510
Torts—Wrongful Birth-Wrongful Life 3:606
Torts—Wrongful Birth-Wrongful Life 4:222
Toxic Shock Syndrome: Proving Causation Before Science Has 6:15
Uncle Sam and the Tort-Feasors: A Look at the Tax Consequences of Tort Settlement 8:257
Use of Human Factors in a Product Liability Case 2:47
Wonderful Life—A Tort Whose Time Has Come 2:107
Wrongful Life: A Tort Resuscitated 7:167
Wrongful Pregnancy: Damages Recoverable for the Birth of a Normal, Healthy Child 7:385

TOXIC TORTS

Gone Today and Here Tomorrow: Damage Recovery for Subsequent Developing Latent Diseases in Toxic Tort Exposure Actions 14:159
The Need for an Appropriate Standard for Admission of Expert Witness Testimony in Toxic Tort Cases 16:573

TRIAL ADVOCACY

A Strategy for Effective Use of the Courtroom During Direct Examination 8:205
Acting Within the Law 8:115
An Advocate's View of the Surrogate Mother Problem: Suggested Litigation Strategies 12:393
An Essay on Jury Argument 1:27
Attorneys—Nonjury Argument 3:320
Basic Principles of Advocacy: One Trial Lawyer's View 3:249
Closing Argument 19:51
Closing Argument Procedure 10:47
Cross-Examination and Final Argument Concerning Plaintiff's Economic Expert in Wrongful Death Actions 2:235
Demeanor Impeachment: Law and Tactics 9:183
Documentary Evidence in Civil Cases 20:607
Does a Good Result Beat a Cheap Legal Fee? 19:1
Does Hypnosis Belong in the Legal Process? 12:125
Expert Testimony 17:399
Fund Raising in the Courtroom: Persuasive Presentation of General Damages 6:433
Improving Federal Trial Advocacy 1:109
Improving Federal Trial Advocacy—II 2:83
Keeping Cross-Examination Under Control 18:245
"Lights, Camera, Action": Presenting the Medical Expert in Trial 17:443
Logic and the Common Law Trial 18:151
Mastering Trial Objections: The Spin Control Method 20:591
Objecting 16:213
Opening Statement: A Constitutional Right? 7:623
Partnering at Trial Between In-House and Outside Counsel 18:281
Preserving Issues for Appeal: How to Make a Record at Trial 18:87
Pretrial Considerations and Trial Tactics in *Marvin*-Type Litigation 4:1
Product Liability Lawsuits: Pitfalls in Preparation and Trial 18:135
Prosecutorial Misconduct in Closing Argument: Remedial Measures 8:397
Rethinking Advocacy Training 16:821
Storytelling in Opening Statements: Framing the Argumentation of the Trial 10:15
Suggestions for Enriching the Teaching of Trial Advocacy 16:193
The Brandeis Brief—Too Little, Too Late: The Trial Court as a Superior Forum for Presenting Legislative Facts 17:1
The Gentle Art of Conversational English in Direct Examination 14:111
The John Hinckley Trial: Argument on Behalf of the Defense 6:94
The John Hinckley Trial: Argument on Behalf of the Government 6:47
The Opening Statement as a Tool of Persuasion 2:261
The Opening Statement: Winning at the Outset 3:225
The Renaissance in American Trial Advocacy Literature: The Next Step 16:175
The Sweet Case, Detroit, 1926 9:67
The Three Types of Closing Arguments 18:115
The Trial as a Persuasive Story 14:77

TRIAL PREPARATION/TECHNIQUES

A Medical Malpractice Trial: Successful Techniques Presented and Analyzed 11:1
Closing Argument Procedure 10:47
Discovering Trial Consultant Work Product: A New Way to Borrow An Adversary's Wits? 17:581
Documentary Evidence in Civil Cases 20:607
Jury Selection: An Empirical Investigation of Demographic Bias 19:285
Keeping Cross-Examination Under Control 18:245
Litigating Head Trauma: The "Hidden" Evidence of Disability 12:239
Mastering Trial Objections: The Spin Control Method 20:591
"Mirror, Mirror on the Wall . . .": Body Language, Intuition, and the Art of Jury Selection 17:197
Packaging a Case for Settlement or Trial 17:461
Preparing the Case Before We Initiate Litigation: What We Need Is a Plan 18:509
Presenting Expert Testimony 15:215
Preventing Brushfires: Avoiding Procedural Traps in the Course of Litigation 11:203
Props: An Overview of Demonstrative Evidence 13:1097
Product Liability Lawsuits: Pitfalls in Preparation and Trial 18:135
Qualifying the Medical Malpractice Expert: *Melville v. Southward* Liberalizes the Age-Old Standards 15:585
Real and Demonstrative Evidence Away from Trial 17:509
Report on Cost-Effective Management of Corporate Litigation 19:11
Risks in Interviewing the Sexual Harassment Client 19:563
Selecting and Using Expert Witnesses in Bad Faith Cases 19:561
The Admissibility of Other Similar Incident Evidence: A Three-Step Approach 15:541

The Three Types of Closing Arguments 18:115
The Trial as a Persuasive Story 14:77
Trial Preparation: A Systematic Approach 1:229
Understanding Impeachment 15:483
"X-Spurt" Witnesses 19:343

U

UNEMPLOYMENT COMPENSATION

Employee Benefits—Unemployment Benefits Based on Full Time Employment Not Forfeited for Leaving Subsequent Part Time Job Without Good Cause 7:643
Unemployment Compensation—Good Cause for Voluntary Termination of Employment for Unemployment Insurance Purposes, an Extension of Domestic Necessity Rights for Cohabitants 6:525

V

VIDEOTAPE AND THE LAW

Evidence—Jurors' Use of Transcript as Aid in Understanding Videotaped Testimony 3:353
Have Juries Gone to the Movies?—The Use of Videotape in the Courtroom 12:141
Kentucky Courts Go Video 9:359
Rules and Case Law Governing Videotape Depositions 12:87
The Taking and Use of Videotaped Depositions 16:151
Videotape Evidence at Trial 6:209

VOIR DIRE

See JURY SELECTION

W

WARRANTS

Criminal Law and Procedure—Search and Seizure—Privacy Expectations of Non-Owner Automobile Occupants During Warrantless Search 4:168
Criminal Law and Procedure—Search and Seizure—Seizure of Items Not Described on Warrant is Valid When Burglary Victims Identify Same in Plain View 4:176
Criminal Law and Procedure—Search and Seizure—Third Party Consent to Warrantless Search 4:171
Criminal Law and Procedure—Search and Seizure—Warrantless Search of Luggage Incident to Lawful Airport Arrest 4:173
Search and Seizure—Warrantless Search of Family Day Care Homes Held Constitutional Under "Pervasively Regulated Business" Exception 8:325
Vampire or Dinosaur: A Time to Revisit *Schmerber v. California*? 19:503
Warrants—OSHA Inspections 2:204
Warrants—Electronic Surveillance 2:406
Warrants—Search and Seizure 2:409
Warrants—Search of Newspaper Premises 2:206
Warrants—Search of Private Residences 2:205
Warrants—Telephone Records 2:405

WARRANTY

Cipollone v. Liggett Group, Inc.: The Effect of the Federal Cigarette Labeling and Advertising Act on State Common Law Claims 16:477
Extending the Article 2 Warranties to Commercial Leases 11:301
Landlord-Tenant—Implied Warranty of Habitability 2:195
The Crashworthiness Doctrine 18:37
Warranties—Implied Warranty of Fitness 3:378
Warranties—Implied Warranty of Merchantability 3:376
Warranties—New Housing: Implied Warranty of Habitability 3:375

WILLS

Will Executions: A Modern Guide 18:57

WITNESSES

Corroborated Hearsay and the Confrontation Clause 15:293
Cross Examination—A Primer for Trial Advocates 8:11
Defendants in Criminal Cases as Witnesses at Trial 14:59
Evidence—Competency of Child Witnesses 4:467
Evidence—Impeachment—Pretrial Hearing Silence 2:379
Objecting 16:213
Presenting Expert Testimony 15:215
Qualifying the Medical Malpractice Expert: *Melville v. Southward* Liberalizes the Age-Old Standards 15:585
The Courts' Reaction to *Rock v. Arkansas*: The Admissibility of a Witness's Testimony After He Has Been Hypnotized 15:559
The Mental Probe Continued—Hypnosis and Witness Preparation 4:615
The Taking and Use of Videotaped Depositions 16:151
Understanding Impeachment 15:483

United States v. Dotson: When Should Opinion Testimony as to the Truth and Veracity of a Witness Be Allowed? 12:497
"X-Spurt" Witnesses 19:343

WORK PRODUCT

Discovering Trial Consultant Work Product: A New Way to Borrow An Adversary's Wits? 17:581
Prolegomenon to a Forensic Cultural Anthropology 16:391

WORKERS' COMPENSATION

A Proposed Rewrite of the Alabama Workers' Compensation Act 15:1
Americans with Disabilities Act: Impact Upon Workers' Compensation—Friend or Foe? A Primer for the Corporate Insurance Department and Outside Counsel 17:637
Civil Procedure—Res Judicata—Workman's Compensation Awards 4:703
Let the Liar Beware! Lying on Employment Application May Bar Recovery of Workers' Compensation Benefits 16:737
Re-Testing the Exclusivity Provision of the Alabama Workers' Compensation Act: Where We Are Now 18:295
Testing the Exclusivity Provision of the Alabama Workmen's Compensation Act 11:121
Workers' Compensation 2:411
Workers' Compensation—Application of the Second Injury Provision of the Longshoremen's and Harbor Worker's Compensation Act 4:844
Workers' Compensation—Assault by a Co-Employee 3:609
Workers' Compensation—Compensation for Mental-Mental Claims 19:229
Workers' Compensation—Compensation of Injuries Arising Out of and in the Course of Employment 4:846
Workers' Compensation—Conclusive Dependency of Widows 3:612
Workers' Compensation—Equal Protection Consideration of Gender Based Distinction in State Compensation Law Governing Benefits Payable to Widows and Widowers 4:853
Workers' Compensation—Exclusive Remedy Provision Bars Employer's "Manufacturer's Product Liability" Action Against Successor Manufacturer Employer 7:659
Workers' Compensation—Indemnity and Contribution by Third Party Tortfeasors Against the Stevedore Under LHWCA 4:516
Workers' Compensation—Proportionate Sharing of Expenses by Stevedore—Employer and Longshoremen in Third Party Negligence Actions Under the Longshoremen's and Harbor Worker's Compensation Act 4:513
Workers' Compensation—Recovery for Mental Anxiety 4:236
Workers' Compensation—Refusal to Extend Immunity from Common Law Tort Action to Corporate Conglomerate 4:240
Workers' Compensation—Special and Statutory Employees 4:517
Workmen's Compensation—Common Law Action for Defamation Is Not Precluded by Exclusivity Provision, Workmen's Compensation Act 6:531
Workmen's Compensation—Going and Coming Rule 2:208
Workmen's Compensation—Injury Sustained on Employer's Softball Team Held Not Compensable 6:530
Workmen's Compensation—Intentional Torts as Exceptions to the Exclusiveness of the Workmen's Compensation Acts 6:529
Workmen's Compensation—Sex Discrimination—Widow's Statutory Presumption of Total Economic Dependence Held Violative of Widower's Guarantee of Equal Protection 1:211
Workmen's Compensation—Worker's Dependents 2:210
Wrongful Death Claims of Maritime Workers 17:151

WRITS

Coram Nobis and the Right to Counsel 2:273

WRONGFUL BIRTH/CONCEPTION/LIFE

Civil Rights—Judge Defers Standing of Plaintiff in Utero to Legislature 5:529
Health Law—Preservation of Life—A Right to Be Born 5:383
Jackson v. Bumgardner: A Healthy Newborn—A Blessing or a Curse? 12:153
Marciniak v. Lundborg: Physicians as Surrogate Parents? Rolling the Dice for Recovery in Wrongful Conception Cases 16:839
Medical Malpractice—"Discovery Rule" Rejected in Wrongful Birth or Wrongful Life Actions Arising from Negligent Sterilization Operations 6:511
Smith v. Columbus Community Hospital, Inc.: Wrongful Death Actions Involving a Viable Unborn Child 14:185
Torts—"Benefit Rule" Rejected in Wrongful Birth Action 5:565
Torts—Wrongful Birth-Wrongful Life 3:606
Torts—Wrongful Birth-Wrongful Life 4:222
Wrongful Life: A Tort Resuscitated 7:167

Wrongful Pregnancy: Damages Recoverable for the Birth of a Normal, Healthy Child 7:385

WRONGFUL DEATH

Cross-Examination and Final Argument Concerning Plaintiff's Economic Expert in Wrongful Death Actions 2:235
Evidence—Wrongful Death—Plaintiff's Remarriage 5:208
Klawonn v. Mitchell: Does a Refusal to Instruct a Jury that Wrongful Death Damages are Excluded from Income Taxation Make the Jury's Task Simpler or More Difficult? 19:211
Products Liability—Wrongful Death Due to Defective Drug—Action Barred by Statute of Limitations 3:592
Smith v. Columbus Community Hospital, Inc.: Wrongful Death Actions Involving a Viable Unborn Child 14:185
Torts—Dependent's Death Before Judgment in Wrongful Death Actions 4:503
Wrongful Death—Damages for a Parent's Mental Distress are Recoverable for a Minor's Wrongful Death 7:393
Wrongful Death Claims of Maritime Workers 17:151